

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 16866 of 2023

Petitioner :- Kamruddin

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Nitin Kumar Srivastava

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Shri Nitin Kumar Srivastava, learned counsel for the petitioner, Shri G.P. Singh, learned A.G.A. for the State-respondents and perused the record.
2. The relief sought in this petition is for quashing of the First Information Report dated 28.09.2023 registered as Case Crime No. 0332 of 2023, under Sections 452, 323, 504, 506 & 308 I.P.C. and 3(2) (v) SC/ ST Act, 1989, Police Station Bindki, District Fatehpur.
3. Submission of the learned counsel for the petitioner is that the First Information Report has been lodged against the petitioner on false ground and he has not committed any offence and the injuries suffered by the complainant's mother and father are extremely simple in nature and it is due to rivalry between the parties, impugned F.I.R. has been lodged against the petitioner.
4. Per contra, learned A.G.A. submits that the as per medical report, injury suffered to the mother and the father of the complainant are severe in nature and as such the petitioner is not liable to be granted any relief.

5. Perusal of the impugned First Information Report *prima facie* reveals commission of cognizable offence.

6. Therefore, in view of the law laid down by Hon'ble Supreme Court in the case of **State of Haryana and others vs. Bhajan Lal and others, 1992 Supp. (1) SCC 335** and **M/s Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra, AIR 2021 SC 1918** and in **Special Leave to Appeal (Crl.) No.3262/2021 (Leelavati Devi @ Leelawati & another vs. the State of Uttar Pradesh)** decided on 07.10.2021, no case has been made out for interference with the impugned first information report.

7. The writ petition stands **dismissed**.

Order Date :- 28.10.2023

Anurag/-