

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 17044 of 2023

Petitioner :- Shankar Yadav And 4 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Ashutosh Singh, Aman Kumar

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Vivek Kumar Singh,J.

1. Heard learned counsel for the petitioners and learned A.G.A. for the State.
2. The instant writ petition seeks quashing of the FIR dated 27.09.2023 giving rise to Case Crime No.320 of 2023, under Sections 147, 149, 323, 336, 504, 506 I.P.C., Police Station- Babina, District- Jhansi.
3. It is admitted by learned counsel for the parties that there are cross FIR.
4. Under the circumstances, it cannot be said that either of the FIR is completely fabricated or concocted. The presumption under the circumstances is that some incident has in fact taken place.
5. In view of the above and since the allegations in the FIR contain the ingredients of a cognizable offence, the FIR cannot be quashed.
6. The writ petition is therefore dismissed, without prejudice to the right of the petitioners to apply for bail/anticipatory bail.
7. This order has been passed in the presence of Shri M.K. Tripathi, who has filed his appearance on behalf of the learned counsel for the respondent no.4.

Order Date :- 31.10.2023

Mayank