

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 17028 of 2023

Petitioner :- Satyadev Verma And 3 Others

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

Counsel for Petitioner :- Manish Kumar Dwivedi

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 30.09.2023 giving rise to Case Crime No.690 of 2023, under Sections 504, 506, 323, 427, 452 I.P.C., Police Station- Khair, District- Aligarh.
3. The contention of learned counsel for the petitioners is that earlier in time, the petitioner had lodged an FIR, which two persons from the side of the petitioners suffered injuries.
4. Mentioning the same time and date and three months later, the impugned FIR has been registered by means of an application under Section 156(3) Cr.P.C. It is, therefore, contended that the FIR impugned is concocted and sheer afterthought.
5. From the submissions made, it transpires that since both the parties are alleging an incident on the same date and time, the FIR impugned is manifestly a cross FIR.
6. Under the circumstances, it is safe to assume that some incident has in fact taken place and, therefore, it is not possible to hold that either of the FIRs' is totally fabricated or concocted.
7. Moreover, the allegations in the impugned FIR contain the ingredients of a cognizable.
8. Under the circumstances, in our considered opinion, the FIR is not liable to be quashed.
9. The writ petition is therefore dismissed, without prejudice to the right of the petitioners to apply for bail/anticipatory bail.

Order Date :- 31.10.2023

Mayank