

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 16914 of 2023

Petitioner :- Mukesh

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

Counsel for Petitioner :- Dur Vijay Singh

Counsel for Respondent :- G.A.,Jitendra Pal Singh Jadaun

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Syed Aftab Husain Rizvi,J.

Heard learned counsel for the petitioner and learned AGA for the State.

This writ petition has been filed with the prayer to quash the First Information Report, registered as Case Crime No. 314 of 2023, under Section 307 IPC, Police Station Dadon, District Aligarh.

Learned counsel for the petitioner submits that the informant is the wife and on account of matrimonial dispute the present FIR has been lodged.

Learned AGA points out that the informant has actually sustained gunshot injury, and therefore, this is not one of those cases where the FIR can be quashed on account of compromise, in view of the law settled.

We find substance in the objection taken by the learned AGA. Since the allegation in the FIR lodged under Section 307 IPC is substantiated by the injury report, which indicates existence of gunshot injury, we are not inclined to entertain any factual issues, so as to consider the prayer to quash the FIR. The prayer made to quash the First Information Report is, therefore, declined in view of the law laid down by the Supreme Court in the case of State of Telangana Vs. Habib Abdullah Jellani, (2017) 2 SCC 779, as also in the case of Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and Others, (2021) SCC Online SC 315.

Writ petition, accordingly, is dismissed.

Order Date :- 8.12.2023

Anil