

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 17195 of 2023

Petitioner :- Shakuntala Devi And 3 Others

Respondent :- The State Of Uttar Pradesh And 3 Others

Counsel for Petitioner :- Kanhaiya Lal, Mohammed Iftekhhar, Wakeel Ahmad

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 19.09.2023 giving rise to Case Crime No.436 of 2023, under Sections 323, 504, 506 I.P.C., Police Station- Ghosi, District- Mau.
3. The contention of learned counsel for the petitioners is that the FIR is concocted and exaggerated. Regarding the same incident, the petitioner filed an application before the Superintendent of Police. However, no FIR has been lodged, although two persons from the side of the petitioner had sustained injuries.
4. From the arguments raised, it is clear that an incident has taken place and by implication the submission of learned counsel for the petitioner is that the informant side were the aggressors. The question as to who was the aggressors is an issue, which can only be decided on the basis of evidence collected during investigation. At this stage, it is not possible to rule on this.
5. Moreover, since the incident is admitted, it cannot be said that the FIR is exonerated.
6. In view of the above, and since the allegations in the FIR contain the ingredients of a cognizable offence, the FIR cannot be quashed.
7. The writ petition is accordingly, dismissed.

Order Date :- 2.11.2023

Mayank