

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 17398 of 2023

Petitioner :- Heera Lal And 4 Others

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

Counsel for Petitioner :- Bipin

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 AGA for the State.
2. The writ petition seeks quashing of the F.I.R. dated 20.04.2023 giving rise to Case Crime No. 217 of 2023, under Sections 147, 148, 149, 504, 506 IPC, Police Station- Handia, District- Prayagraj.
3. It is contended by learned counsel for the petitioner that impugned F.I.R. is in effect of cross allegation which has been lodged after delay of about 18 days. Since both the parties have lodged cross F.I.R. on the same incident, hence, the incident is admitted.
4. Upon hearing learned counsel for the parties and upon a perusal of the record, we find that the submissions made on behalf of the petitioners are his defence, which cannot be looked into while dealing with a writ petition seeking quashing of a first information report.
5. Since the incident stands admitted and the allegations made in the First Information Report clearly disclose commission of cognizable offences and the allegations are serious in nature. Therefore, prayer of the petitioner to quash the First Information Report is completely misconceived and is rejected.
6. The writ petition is therefore dismissed, without prejudice to the right of the petitioner to apply for bail/anticipatory bail.

Order Date :- 7.11.2023

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