

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 17480 of 2023

Petitioner :- Rajendra Pal And 4 Others

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

Counsel for Petitioner :- Vinay Kumar Pal

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Vivek Kumar Singh,J.

1. Heard learned counsel for the petitioners, learned counsel for the informant and learned A.G.A. for the State.
2. The instant writ petition seeks quashing of the FIR dated 28.09.2023 giving rise to Case Crime No. 0111 of 2023, under Sections 147, 323, 504, 506, 427 I.P.C., Police Station- Raipura, District- Chitrakoot.
3. The contention of the learned counsel for the petitioners is that earlier in time the petitioners had lodged an F.I.R. against the informant on 27.9.2023 regarding that an inspection sought to have taken place on 3 P.M. On the next day, the accused in the F.I.R., filed by the petitioners lodged the impugned F.I.R. which amounts to a cross F.I.R. in conveyance with the police personnel. Since prima-facie two F.I.R. are referred to above including impugned F.I.R. are cross F.I.R., it cannot be said that no incident took place.
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. Moreover, the allegations made in the First Information Report contains ingredients of cognizable offence. Therefore, prayer of the petitioners 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 petitioners to apply for bail/anticipatory bail.

Order Date :- 8.11.2023

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