

Court No. - 67

Case :- CRIMINAL MISC. WRIT PETITION No. - 17369 of 2023

Petitioner :- Abhishek @ Lavkush

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

Counsel for Petitioner :- Santosh Kumar Verma

Counsel for Respondent :- G.A.

Hon'ble Rahul Chaturvedi,J.

Hon'ble Mohd. Azhar Husain Idrisi,J.

Heard learned counsel for the petitioner, learned A.G.A. appearing for the State-respondents and perused the record.

By means of this writ petition under Article 226 of the Constitution of India, the petitioner is assailing the legality and validity of the FIR dated 15.9.2023 registered as Case Crime No. 260 of 2023, under Sections 323, 504, 506 IPC and Section 3(1)da, 3(1)dha of S.C./S.T. Act, Police Station Lalganj, District Basti.

Upon hearing learned counsel for the parties and upon a perusal of the record, we are of the considered opinion that the cognizable offence is made out against the petitioner and there is no occasion or reason to quash the FIR in exercise of power conferred under Article 226 of the Constitution of India.

Accordingly, the prayer for quashing the FIR is declined and refused.

However, it is open for the petitioner, if so advised, he shall move proper anticipatory bail application before the appropriate forum, within fifteen days from today.

It is also made clear that the Court is not expressing any opinion on the merits of the case. The court concerned is expected to apply its robust and judicial discretion in deciding the anticipatory bail application as early as possible.

With the above observation, the writ petition is **disposed of**.

Order Date :- 7.11.2023

M. Tarik