

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 17637 of 2023

Petitioner :- Aslam And 3 Others

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

Counsel for Petitioner :- Mohd. Shaafi, Shujauddin

Counsel for Respondent :- G.A., Javed Alam

Hon'ble Anjani Kumar Mishra, J.

Hon'ble Arun Kumar Singh Deshwal, J.

Heard learned counsel for the petitioners, learned counsel for the first informant and learned A.G.A. for the State.

The instant writ petition seeks quashing of the FIR dated 12.10.2023 giving rise to Case Crime No. 291 of 2023, under Section 323, 324, 325, 308, 504, 506 I.P.C., P.S. Bachhraun, District J.P. Nagar (Amroha).

It is contended by learned counsel for the petitioners that the F.I.R. is fabricated and has been filed only to harass the petitioners on account of village party bandi.

Learned A.G.A. has pointed out that there are injuries on the body of two persons, namely, Sultan and Iqbal. One of them also suffered from occipital bone injury.

In view of the injury report, it cannot be said that the F.I.R. is either fabricated or concocted. Presumption is contrary in view of the injuries noticed above. Moreover, the allegations in the F.I.R. contain ingredients of cognizable offence, therefore also the F.I.R. cannot be quashed.

The writ petition is therefore **dismissed**, without prejudice to the right of the petitioners to apply for bail/anticipatory bail.

Order Date :- 21.11.2023

Vandana