

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 18372 of 2023

Petitioner :- Ramsajivan And 6 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Deena Nath,Deepak Kumar,Sunita Dhusia

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Shri D.N. Joshi, learned counsel for the petitioners and Shri G.P. Singh, learned A.G.A for the State respondents.
2. The relief sought in this petition is for quashing of the F.I.R. dated 26.10.2023, registered as Case Crime No. 46 of 2023, under Sections 147, 148, 149, 323, 504, 506, 452, 307 IPC, Police Station Suriyawa, District Prayagraj. Further prayer has been made not to arrest the petitioners in the aforesaid case.
3. Submission of learned counsel for the petitioners is that present criminal prosecution is nothing but a counter blast infact the incident dated 25.10.2023, the petitioner's side has suffered injury and as many as 15 persons have been named in the FIR along with 8 to 10 unknown persons. He submits that in fact petitioner's side as alleged the FIR regarding the same incident on 28.10.2023 wherein the petitioner's side has named 16 persons and therefore, the present prosecution regarding an incident in which the petitioner's side has suffered injury is malafide in nature.
4. Per contra, learned AGA submits that in fact the impugned FIR was registered on 26.10.2023 regarding the incident dated 25.10.2023 whereas the petitioner's side as lodged the FIR. Subsequently on 28.10.2023 the FIR lodged by the petitioner is subsequent in point of time and even otherwise the incident is admitted to both side.
5. Perusal of the impugned first information report prima facie reveals commission of cognizable offence.
6. Thus, in view of the law laid down by Hon'ble Supreme Court in the case of **State of Haryana and others vs. Bhajan Lal and**

others, 1992 Supp. (1) SCC 335 and M/s Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra, AIR 2021 SC 1918 and in Special Leave to Appeal (Crl.) No.3262/2021 (Leelavati Devi @ Leelawati & another vs. the State of Uttar Pradesh) decided on 07.10.2021, no case has been made out for interference with the impugned first information report.

7. The petition is dismissed.

Order Date :- 28.11.2023

Ujjawal