

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 17989 of 2023

Petitioner :- Atul And Another

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

Counsel for Petitioner :- Ajay Kumar Kashyap

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard learned counsel for the petitioners and learned A.G.A. for the State.

2. The instant writ petition seeks quashing of the FIR dated 21.10.2023 giving rise to Case Crime No.592 of 2023, under Sections-147, 323, 427, 452, 504, 506 I.P.C., Police Station-Soraon, District-Prayagraj.

3. It is admitted from one of the arguments of learned counsel for the petitioners that petitioners had earlier lodged an FIR regarding same incident and that there are injured on their side. From the arguments, it transpires that the incident of FIR is a cross version. The fact that both parties have filed FIRs regarding the same incident indicates that some incident has in fact taken place, therefore, it cannot be said that the earlier first information report is fabricated. Moreover the allegations in the first information report contains the ingredients of cognizable offence. The first information report under the circumstances cannot be quashed.

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

Order Date :- 21.11.2023

S.Chaurasia