

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 18131 of 2023

Petitioner :- Shivam And 3 Others

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

Counsel for Petitioner :- Ramesh Chandra Yadav, Shiv Nath Singh

Counsel for Respondent :- G.A., Manu Raj Singh, Nidhi Singh

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Sri Ramesh Chandra, learned counsel for the petitioners and learned A.G.A for the State respondents.
2. The relief sought in this petition is for quashing of the F.I.R. dated 04.11.2023, registered as Case Crime No. 0390 of 2023, under Sections 147, 148, 307, 326, 323 IPC, Police Station Roora, District Kanpur Dehat. Further prayer has been made not to arrest the petitioners in the aforesaid case.
3. Submission of learned counsel for the petitioners is that allegations are absolutely false and no injury has been caused to any one. By drawing attention to para 7 and 10 of the petition it was submitted that till filing of the petition the informant has not been medically examined anywhere in hospital and the present FIR has been lodged due to village party bandi.
4. Per contra, learned counsel for the informant has opposed the prayer and submits that serious injury was suffered to the informant.
5. Learned AGA on instructions submits that injury report dated 03.11.2023 is also on record and the medical report dated 24.11.2023 is also on record.
6. Perusal of the impugned first information report prima facie reveals commission of cognizable offence.
7. 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.

8. The present petition is dismissed.

Order Date :- 30.11.2023

Ujjawal