

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 18292 of 2023

Petitioner :- Dharmendra Sharma And 3 Others

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.Sri Darwari Lal learned Advocate has filed his Vakalatnama on behalf of the informant today in the Court and the same is taken on record.

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

3. The instant writ petition seeks quashing of the FIR dated 21.10.2023 giving rise to Case Crime No.420 of 2023, under Sections 452, 323, 336, 504 I.P.C., Police Station-Bitharichainpur, District- Bareilly.

4. The contention of the learned counsel for the petitioner is that the FIR is fabricated and exaggerated. There are three injured on the side of the petitioners.

5. Learned counsel for the first informant also states that there are three injured on the side of the informant.

6. From the submissions and since injuries have been suffered by people from both sides, it can safely be assumed that some incident had infact taken place and, therefore, the impugned FIR cannot be said to be completely fabricated or concocted.

7. Moreover, the allegations made in the First Information Report clearly disclose commission of cognizable offences and the allegations are serious in nature. Therefore, prayer of the petitioners to quash the First Information Report is completely misconceived and is rejected.

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

Order Date :- 24.11.2023

Himanshu