

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 18383 of 2023

Petitioner :- Sazid And 10 Others

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

Counsel for Petitioner :- Ajay Nand Pandey, Abhishek Srivastava

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra, J.

Hon'ble Arun Kumar Singh Deshwal, J.

1. Heard learned counsel for the petitioner, learned counsel for the first informant and learned A.G.A. for the State.
2. The instant writ petition seeks quashing of the FIR dated 30.10.2023 giving rise to Case Crime No.292 of 2023, under Sections 147, 148, 149, 307, 506, 504, 336 I.P.C., Police Station- Doghat, District- Baghpat.
3. The contention of the learned counsel for the petitioners is that as many as 11 family members have been falsely implicated by means of the impugned FIR.
4. Learned AGA has pointed out that there are as many as five injured on the other side.
5. The petitioners are one of two sides involved in the incident, a group clash wherein both sides are stated to have suffered injuries.
6. The injuries on the side of parties, other than the side of petitioners are on the eyebrow and face being lacerated wounds.
7. Under the circumstances, it cannot be said that no incident has taken place. The issue as to who was the aggressor will necessarily be the subject matter of investigation.
8. 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 petitioner to quash the First Information Report is completely misconceived and is rejected.
9. The writ petition is therefore dismissed, without prejudice to the right of the petitioners to apply for bail/anticipatory bail.

Order Date :- 4.12.2023/Himanshu