

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 18702 of 2023

Petitioner :- Shiv Charan

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

Counsel for Petitioner :- Ram Sajiwan Prajapati, Lal Bahadur

Counsel for Respondent :- G.A.

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Aftab Husain Rizvi, J.

Heard learned counsel for the petitioner and learned AGA for the State.

This writ petition has been filed with the prayer to quash the First Information Report, registered as Case Crime No. 457 of 2023, under Sections 147, 148, 308, 323, 452, 504, 506 IPC, Police Station Noorpur, District Bijnor.

The First Information Report contains serious allegation with regard to causing injuries upon the informant. Prima facie allegation with regard to commissioning of cognizable offence is otherwise substantiated by the injury report, and we are not required to examine the nature of injury or the sections of IPC that would be attracted in the facts of the present case. Since the First Information Report, prima facie, discloses commissioning of cognizable offence, the prayer made to quash the First Information Report is, therefore, declined in view of the law laid down by the Supreme Court in the case of State of Telangana Vs. Habib Abdullah Jellani, (2017) 2 SCC 779, as also in the case of Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and Others, (2021) SCC Online SC 315.

Writ petition, accordingly, is dismissed.

Order Date :- 7.12.2023

Anil