

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 18624 of 2023

Petitioner :- Ashish Shrivastava

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

Counsel for Petitioner :- Dilip Kumar Goswami, Sanjay Singh

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra, J.

Hon'ble Arun Kumar Singh Deshwal, J.

Heard learned counsel for the petitioner and learned A.G.A. for the State.

The instant writ petition seeks quashing of the FIR dated 7.11.2023 giving rise to Case Crime No. 519 of 2023, under Sections 452, 323, 506 I.P.C., P.S. Kotwali Nagar, District Mahoba.

Learned counsel for the petitioner submits that the impugned F.I.R. is by way of counter blast. Earlier in time, the petitioner had already lodged an F.I.R. There are injuries on the side of the petitioner.

Learned A.G.A. has pointed out that in both the first information reports, the date of incident and the site of occurrence are identical. There is only one minor difference in time as regards the lodging of the respective first information reports is concerned. He, therefore, submits that the two first information reports are in fact cross cases.

There appears substance in the submission of learned counsel for the petitioner. In any case, from what has been stated above, it clearly emerges that some incident has, in fact, taken place. The only aspect we consider is as to who was the aggressor. This cannot be determined by the Court and necessarily call for detailed investigation. However, some incident has, in fact, taken place and also the allegations made in the First Information Report contain ingredients of cognizable offence, therefore, the F.I.R. is not liable to be quashed.

Moreover, it cannot be said that the impugned F.I.R. is a complete fabrication or concoction. Under the circumstances, no ground for interference is made out.

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

Order Date :- 1.12.2023

Vandana