

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 18930 of 2023

Petitioner :- Saif @ Altamash

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

Counsel for Petitioner :- Kamaluddin Khan, Indra Sen Singh

Counsel for Respondent :- G.A.

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Aftab Husain Rizvi, J.

This writ petition has been filed with the prayer to quash the First Information Report registered as Case Crime No218 of 2023, under Sections 147, 323, 504, 506, 307 IPC, Police Station Zafrabad, District Jaunpur.

Contention is that this is a cross case and that injuries have been caused to the petitioner's side for which various evidence exists on record.

Learned A.G.A. opposes the prayer made in the writ petition.

We have perused the First Information Report, which would go to show that the son of informant Ankit has also sustained injuries. Such injury report is not on record nor is there any explanation furnished by the petitioner in that regard.

Since the FIR prima facie discloses commissioning of cognizable offence we are not inclined to examine petitioner's plea that the FIR has been lodged only as counterblast. All such issues can more appropriately be examined at the appropriate stage of investigation/trial. Thus, the prayer made to quash F.I.R. is declined.

Writ petition is, accordingly, dismissed. However, dismissal of this petition will not preclude the petitioner from seeking appropriate relief under the Criminal Procedure Code, which shall be dealt with on its merits.

Order Date :- 6.12.2023

Ashok Kr.