

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 19033 of 2023

Petitioner :- Meera Devi And 7 Others

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

Counsel for Petitioner :- Ajendra Kumar

Counsel for Respondent :- G.A.,Ashish Goyal,Rahul Mehrotra

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Syed Aftab Husain Rizvi,J.

Heard learned counsel for the petitioners, learned AGA for the State and learned counsel appearing for the informant.

This writ petition has been filed with the prayer to quash the First Information Report, registered as Case Crime No. 193 of 2023, under Sections 147, 148, 149, 323, 504, 506, 354(B), 307 IPC & 7/8 POCSO Act, & Section 3(2)(VA) SC/ST Act, Police Station Malawan, District Etah.

Four persons are injured and the offence against the petitioners is not only under Section 307 IPC but also under Section 354(B) IPC & Section 7/8 POCSO Act. In such view of the matter, we are not inclined to entertain the present writ petition only on the ground that there exists civil dispute between the parties, nor we are inclined to examine the nature of injuries, which are caused to the informant side. 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