

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 4417 of 2023

Petitioner :- Mohd. Shoeb Alias Shoeb Khan

Respondent :- State Of U.P. Thru. Secy. Home Civil Secrett. U.P. Lko. And Others

Counsel for Petitioner :- Vinay Kumar Mishra

Counsel for Respondent :- G.A.

Hon'ble Rajnish Kumar,J.

Hon'ble Umesh Chandra Sharma,J.

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

This petition has been filed challenging the F.I.R. No.0229 dated 31.05.2023, under Sections 147, 323, 324, 332, 353, 308, 394 I.P.C. and 135 of the Electricity (Amendment) Act, 2003 at Police Station- Madiyaon, District- Lucknow North (Commisionerate Lucknow).

Submission of the learned counsel for the petitioner is that the petitioner has falsely been implicated in this case whereas the petitioner was not on spot at the time of the alleged offence.

Learned A.G.A. opposes the submission.

Perusal of the F.I.R. indicates that the petitioner along with other persons had beaten the Junior Engineer with sharp edged weapon and had a deadly attack on three contractual employees and one T.G.T. The Junior Engineer fell unconscious and in the same condition, he was taken to the Bright Hospital, which shows that the petitioner along with other persons had beaten brutally the Government servants, while they were on official duty. The petitioner has also not placed on record the medical report of the victims. The F.I.R. discloses the commissioning of offence and the petitioner has also been named in the F.I.R., therefore, the F.I.R. cannot be quashed. Thus, the petitioner is not entitled for any relief from this Court under Article 226 of the Constitution of India.

The petition is **dismissed**.

Order Date :- 6.6.2023

Gurpreet Singh