

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 4782 of 2023

Petitioner :- Ishpal Bajpai And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt. Civil Sectt. Lko. And 2 Others

Counsel for Petitioner :- Rajiv Raman Srivastava, Adarsh Shukla

Counsel for Respondent :- G.A.

Hon'ble Dinesh Kumar Singh, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard Sri Rajiv Raman Srivastava, learned counsel for the petitioners and Ms. Meera Tripathi, learned Additional Government Advocate for the State.

2. The present writ petition under Article 226 of the Constitution of India has been filed seeking following reliefs:

"(i) To issue a writ, order or direction in the nature of Certiorari thereby quashing the impugned first information report dated 13.06.2023 which was registered as case crime no. 0183/2023, under Sections 307,323,504,506 I.P.C. relating to Police Station Neemgaon, District Lakhimpur Kheri against the petitioners.

(ii) To issue a writ, order or direction in the nature of Mandamus directing the opposite parties no.1 and 2 not to arrest the petitioners in Case Crime No. 0183/2023, under Sections 307,323,504,506 I.P.C. relating to Police Station Neemgaon, District Lakhimpur Kheri against the petitioners, during the pendency of the aforesaid writ petition.

(iii)

(iv)"

3. Sri Rajiv Raman Srivastava, learned counsel for the petitioners submits that the case registered against the petitioners is completely false and concocted. No injury was caused to anyone. Some dispute arose between the complainant and the petitioners over a trivial matter. He also submits that marriage of petitioner no.1 is scheduled today i.e. 22.06.2023. He, therefore, submits that the petitioner no.1 is being falsely implicated so that his marriage does not take place.

4. On the other hand, Ms. Meera Tripathi, learned Additional Government Advocate has opposed the writ petition and

submitted that enough evidences have been collected regarding the offence having been committed by the petitioners, even there is a recovery of country made pistol and one empty cartridge from the possession of the petitioners.

5. Though the case in the F.I.R. is a case of no injury, but a country made pistol and one empty cartridge have been recovered. Therefore, we do not find any ground to quash the F.I.R. However, it is provided that the petitioner no.1 shall not be arrested for a period of fifteen days pursuant to the F.I.R. in question. He is directed to co-operate in the investigation during this period and the Investigating Officer shall proceed against the petitioner no.1, if offence under Section 307 I.P.C. or under any other section is made out.

6. With the aforesaid direction, the present writ petition is **dismissed**.

(Syed Qamar Hasan Rizvi, J.) (Dinesh Kumar Singh, J.)

Order Date :- 22.6.2023

Abhishek Gupta