

Court No. - 2

Case :- CRIMINAL MISC. WRIT PETITION No. - 4857 of 2023

Petitioner :- Sunil Chirwal And Others

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

Counsel for Petitioner :- Ashutosh Pandey, Vineet Kumar Mishra

Counsel for Respondent :- G.A.

Hon'ble Rajan Roy, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

Heard.

This petition has been preferred by the petitioners seeking following prayer(s):-

"I. Issue a writ, order or direction in the nature of certiorari quashing of the F.I.R. dated 01.06.2023 at 12:36 P.M. registered as case crime no.0220 of 2023, under section -323, 392, 454, 379 I.P.C. Police Station-Krishna Nagar, District-Lucknow contained as Annexure No.1 to this writ petition, in the interest of justice.

II. Issue a writ, order or direction in the nature of Mandamus commanding the opposite parties not to arrest the petitioners on the basis of impugned F.I.R. contained in Annexure No.1 to this writ petition. "

Petitioner no.1 claims to be son of the Informant and says that Informant is not in good mental condition and has lodged the impugned F.I.R. under some influence. We have perused the F.I.R. and having considered the allegations contained therein, firstly, we do not find any such acceptance that petitioner no.1 is son of the Informant but without expressing any conclusive opinion in this regard, looking into the facts of the case and the allegation in the F.I.R., we do not find it a fit case for interference under Article 226 of the Constitution of India as at this stage, it cannot be said that no cognizable offence is made out. As far as stay of arrest is concerned, the petitioners may avail other remedies such as under Section 438 Cr.P.C. etc.

Subject to above, the petition is **disposed of**.

(Syed Qamar Hasan Rizvi, J.) (Rajan Roy, J.)

Order Date :- 23.6.2023

Shanu/-