

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7155 of 2023

Petitioner :- Chhote Bhaiya @ Satish And Others

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

Counsel for Petitioner :- Avikshit Mishra

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

1. Heard learned counsel for the petitioners and learned A.G.A. for the State.

2. This petition has been filed with the following main prayer:-

"a. Issue a writ, order or direction in the nature of Certiorari thereby quashing the first information report dated 23.08.2023 against the Petitioners in Case Crime No.352/2023, under section 376-D, 506 I.P.C., P.S. Lonar, District- Hardoi, as contained in Annexure No.1, to this writ petition."

3. Learned A.G.A., on the basis of instructions dated 18.09.2023 sent by Incharge Inspector, P.S. Lonar, District Hardoi, has stated that the names of the petitioner nos.1, 4 and 5 have been deleted by the Investigating Officer. The investigation is only going on against the petitioner no. 2- Santosh and petitioner no.3- Arun i.e. *jeth* and *nandoi* of the informant.

4. Learned counsel for the petitioners states that petitioner nos.2 and 3, who are *jeth* and *nandoi* of the informant, have been falsely implicated only because of annoyance by the respondent no.4. It has been further stated that the entire family has been roped in by making false allegations. The Investigating Officer has not found anything against the petitioner nos.1, 4 and 5, and therefore, their names have been deleted.

5. After having examined the submissions advanced by learned counsel for the parties and perused the impugned F.I.R., we are of the opinion that the impugned F.I.R. discloses cognizable

offence by the petitioners in so far as petitioner nos.2 and 3 are concerned, hence, no interference is called for by this Court in its extraordinary power under Article 226 of the Constitution of India for quashing of the F.I.R. or for grant of any interim relief to the petitioner nos.2 and 3 and accordingly, the present writ petition is ***dismissed***.

Order Date :- 1.11.2023
Rahul