

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7613 of 2023

Petitioner :- Bantu Alias Shatrohan

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

Counsel for Petitioner :- Pradeep Kumar Mishra

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Karunesh Singh Pawar,J.

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

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

"Issue a writ, order or direction in the nature of certiorari thereby to quash the impugned first information report dated, 08.08.2023, lodged by the opposite party no.4, against petitioner and 3 other co-accused, vide Case crime no.240/2023, under section- 323, 504, 506, 307, 452, IPC (during investigation section 308 IPC has been alter and added section 307 IPC) police station- Kamlapur District- Sitapur, contained as Annexure No.1 to this writ petition, in the interest of justice."

Learned A.G.A. has produced before this Court instructions dated 07.10.2023 sent by Sri Uma Kant Savita, Sub Inspector, Police Station Kamlapur, District Sitapur, wherein it has been stated that atleast four the people were injured. One of the injured, Vinod S/o Govind had a serious fracture on his head, as a result whereof Section 308 of the I.P.C. has been deleted and Section 307 of the I.P.C has been added during the course of investigation.

It has also been stated in the instructions that on 09.08.2023, the named accused Anil @ Khillu and Buddin @ Arvind have been arrested, and on 04.09.2023, the accused Bade @ Anuj has been arrested and sent to judicial custody.

Instructions are kept on record.

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 petitioner, 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 and accordingly, the present writ petition is ***dismissed***.

Order Date :- 18.10.2023

Rahul