

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7774 of 2023

Petitioner :- Kamta Prasad

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

Counsel for Petitioner :- Sagar Singh, Shri Ram Maurya

Counsel for Respondent :- G.A., Pradyumn Shukla

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Heard learned counsel for the petitioner, Sri Pradyumn Shukla, who has filed power on behalf of the caveator/opposite party no.4 and learned A.G.A. for the State-respondents.

This petition has been filed praying the following reliefs:-

(a) Issue a writ, order or direction in the nature of certiorari thereby quashing the impugned first information report vide case crime no.251of 2023 under Section 147, 148, 149, 354, 452, 323, 324, 307, 504, 506 I.P.C. IP.C., lodged at Police Station- Safipur, District- Unnao as contained in Annexure-1 to this writ petition.

(b) Issue a writ, order or direction in the nature of mandamus commanding the opposite party no 3 not to harass, detain or prosecute the petitioner in impugned first information report vide case crime no.251of 2023 under Section 147, 148, 149, 354, 452, 323, 324, 307, 504, 506 I.P.C. IP.C., lodged at Police Station- Safipur, District- Unnao as contained in Annexure-1 to this writ petition.

It has been submitted by the learned counsel for the petitioners that the opposite party no. 4 along with other persons entered in the house of the petitioner with lathi, danda, Iron rod and axe and started abusing and beating the petitioner and his family members. The petitioner was left unconscious. A false F.I.R. has been lodged against the petitioner and his family members.

It has been submitted by the learned counsel for the petitioner that the petitioners had given an application before the Superintendent of Police, Unnao on 20.9.2023 along with his medical examination report but no action was taken by the police.

Sri Pradyumn Shukla, learned counsel for the opposite party no 4 stated that medico legal examination report of the victim has not been filed along with the writ petition. He has produced before the court the medico legal examination report of, Darshan, Shiv Ram S/O Darshan, Shiv Shankar S/O Darshan, Ram Murti S/O Darshan and Shavitri D/O Darshan. He further submitted that several injuries have been caused to the opposite party no. 4 and his family members.

The Court sitting in writ jurisdiction and at the initiate stage cannot determine, who was the aggressor. No doubt an altercation took place between the parties, which resulted into injuries caused to both the parties. It cannot be said that F.I.R. has been lodged falsely implicating the petitioners.

The writ petition is, accordingly, **dismissed**.

Order Date :- 10.10.2023

Anuj Singh