

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7769 of 2023

Petitioner :- Kirti Kumar Pandey

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

Counsel for Petitioner :- Ashish Kumar Tiwari, Abhishek Kumar Pandey

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Heard learned counsel for the petitioner 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 dated 1.9.2023 vide case crime no. 340 of 2023 under Section 323, 308 I.P.C., lodged at Police Station- Lalganj, District-Pratapgarh 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 not to harass, detain or prosecute the petitioner in impugned first information report dated 1.9.2023 vide case crime no. 340 of 2023 under Section 323, 308 I.P.C., lodged at Police Station- Lalganj, District-Pratapgarh as contained in Annexure-1 to this writ petition.

It has been submitted by the learned counsel for the petitioners that the daughter of the complainant was suffering from psychological disease from before. She was not beaten up in any manner as alleged in the F.I.R. Therefore, the offence under Section 308 I.P.C. is not made out from the contents of the F.I.R. Counsel for the petitioner has pointed out medical examination report/injury report of the victim at page no. 17 of the writ petition.

Learned A.G.A. on the other hand has pointed out page no. 18/ Annexure -3 to the writ petition which is prescription by given by the All India of Medical Sciences Raebareli, Munshiganj, Raebareli wherein it has been stated patient was brought with Psychogenic Non Epileptic Seizure (PNES) (after

trauma).

It has also been submitted by the learned A.G.A. that the petitioner treated the daughter of the complainant harshly as a result she develops Seizure. 'Learned A.G.A. also pointed out the instruction sent by Sub Inspector- Police Station- Lalganj, District- Pratapgarh wherein it has been stated that charge sheet no. 375 of 2023 dated 15.9.2023 has been submitted to the Supervisory .

The Court having perused the impugned F.I.R., finds no ground to show interference.

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

Order Date :- 10.10.2023

Anuj Singh