

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7794 of 2023

Petitioner :- Kamal Kumar And Another

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

Counsel for Petitioner :- Vimal Kumar Verma

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Karunesh Singh Pawar,J.

1. Heard learned counsel for the petitioners as well as learned A.G.A. for the State-respondents.

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 impugned F.I.R. No.0448/2023, Under Sections- 304-A I.P.C. at Police Station- Phardhan, District- Kheri, in the interest of justice.

B. issue a writ, order or direction in the nature of mandamus directing the opposite party no.3 not to arrest the petitioners in pursuance of the impugned F.I.R. No.0448/2023, Under Sections- 304-A I.P.C., in the interest of justice."

3. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the impugned F.I.R.

4. This Court has perused the F.I.R. and also the instructions given by Shyam Narayan, Sub-Inspector, Police Station, Phardhan, Khiri wherein it has been stated that after investigation and perusal of inquest report and post mortem report, it has come out that the deceased has died due to ante mortem electric burn injury and Section 304-A IPC has been converted into Section 304 IPC and such a report has been entered at Serial No.30 of the general diary dated 27.09.2023.

5. This Court finds no good ground to show interference therefore, the petition is dismissed.

6. Instructions are kept on record.

Order Date :- 12.10.2023

Saurabh Yadav/-