

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7939 of 2023

Petitioner :- Radhika And Others

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

Counsel for Petitioner :- Gyanendra Pathak, Adarsh Kumar Tripathi

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Karunesh Singh Pawar, J.

Heard learned counsel for the petitioners and learned A.G.A. for the State-respondents.

This petition has been filed praying the following reliefs:-

"(i) Issue a writ, order or direction in the nature of Certiorari for quashing the First Information Report dated 29.09.2023 bearing FIR No.-0397/2023, Under Sections-302, 201 IPC and 3(2)(v) SC/ST Act, Police Station-Visheshwarganj, District-Bahraich (contained in Annexure No.-1), annexed with the present writ petition.

(ii) Issue a writ, order or direction in the nature of Mandamus commanding the opposite parties concerned not to arrest the petitioners on the basis of impugned the First Information Report dated 29.09.2023 bearing FIR No.-0397/2023, Under Sections-302, 201 IPC and 3(2)(v) SC/ST Act, Police Station-Visheshwarganj, District-Bahraich, in the interest of justice."

It has been submitted by the learned counsel for the petitioners that there is no inquest report/postmortem report in fact body of the deceased has not been found. The petitioner has been falsely implicated in the impugned F.I.R. only because of the village enmity.

This Court has gone to the impugned F.I.R. and finds detailed version and the allegations made are, *prima facie* disclosing the cognizable offences.

This Court, therefore, finds no ground to show interference.

The writ petition is, accordingly, dismissed.

Order Date :- 12.10.2023

Madhu