

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8013 of 2023

Petitioner :- Vinod Kumar Yadav Alias Vinod Yadav

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

Counsel for Petitioner :- Neeraj Tripathi, Ganesh Kumar Gupta, Vivek Kumar Rai

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Ajai Kumar Srivastava-I, J.

Heard learned counsel for the petitioner, learned A.G.A. for the State and Sri Nadeem Murtaza along with Sri Sudhanshu Shekhar Tripathi, Advocates, appearing on behalf of the respondent no.5.

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

"issue a writ order or direction in the nature of CERTIORARI quashing the impugned F.I.R. being Case Crime No.216/2023 u/s 147, 148, 149, 307 IPC P.S. Bijour Lucknow which otherwise also is a complete abuse of process in respect to the petitioner, as contained Annexure No.01 to the writ petition."

It has been submitted by learned counsel for the petitioner that the petitioner is completely innocent and has been falsely implicated in the impugned F.I.R. only because the petitioner had initially lodged the F.I.R. on 17.08.2015 at P.S. Sarojani Nagar in Case Crime no.323 of 2015 under Sections 302, 149, 120B, 307 I.P.C., in which Kundan Yadav, Gappu Yadav and Sanjay Yadav were all named as accused. The father of one of the accused in Case Crime No.323 of 2015 has inflicted injuries upon him in the year 2016 which was investigated by the Police Station P.G.I. and the case was found false. Sanjay Yadav one of the accused of the aforesaid Case Crime No.323 of 2015 also lodged the false F.I.R. after self-inflicted injury in the year 2022 against the petitioner Vinod Kumar Yadav and Sandeep Yadav. On investigation, the report was found forged. Now, this impugned

F.I.R. has been filed by Kundan Yadav under Sections 147, 148, 149, 307 I.P.C. against the petitioner Vinod Kumar Yadav, Sumit Yadav and two others.

It has been further submitted that it is only to prevent the petitioner from pursuing his case that the impugned F.I.R. has been lodged.

Learned counsel for the private respondent has produced before this Court the injury reports/ medical examination reports of the two injured victims. It has been submitted that one of the injured victims was admitted in Medanta Hospital Lucknow and the other injured was admitted in Apollomedics Super Speciality Hospital, Lucknow.

This Court has gone through the medical report prepared at Apollomedics Super Speciality Hospital, Lucknow with regard to Manoj Kumar Yadav, one of the injured victims, who was admitted for gunshot injury on 08.09.2023. The foreign body (bullet and its parts) were removed from the right arm on 09.09.2023. In medical report of the Medanta Hospital Lucknow, it has been stated that injured Kundan Singh Yadav had reported alleged gunshot injury on 09.09.2023 at around 5:45 a.m. He was admitted in the Emergency with the complaint of pain and bleeding in chest at injury site. On local examination, three wounds present in the anterior chest wall, two lacerated wounds of size 2 x 0.5 cm. and 3 x 0.5 cm. situated on lower chest near midline on left side and one small circular wound of 1 cm. size on left chest above and lateral to left nipple, associated with local hematoma, were found.

Apparently, Kundan Yadav did not suffer any gunshot injury but the other victim Manoj Kumar Yadav had gunshot injuries in his right arm.

The medical examination reports/ discharge summary of the informant and other 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 :- 16.10.2023
Rahul