

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8025 of 2023

Petitioner :- Avaneesh Pandey

Respondent :- State Of U.P Thru. Addil. Chief Secy. Home Deptt. Civil Secrt. Lko. And Others

Counsel for Petitioner :- Gaurav Singh, Abhay Nath Mishra

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Ajai Kumar Srivastava-I, J.

1. Heard learned counsel for the petitioner and learned A.G.A. who appears on behalf of the State Respondents.

2. This petition has been filed with the following main prayers:-

"i) Issue a writ, order or direction in the nature of Certiorari thereby quash the impugned First Information Report lodged by the opposite party No. 4 on 23.08.2023, as First Information Report No. 377 of 2023, Under Section 147, 406, 420, 467, 468, 471, 452, 504, 506 I.P.C. at Police Station Gajipur, District Lucknow (contained as Annexure No. 1), in the interest of justice.

ii) Issue a writ order or direction in the nature of Mandamus thereby commanding the Opp. Parties 3 not to arrest the Petitioner in impugned First Information Report lodged by the opposite party No. 4 on 23.08.2023, as First Information Report No. 377 of 2023, Under Section 147, 406, 420, 467, 468, 471, 452, 504, 506 I.P.C. at Police Station Gajipur, District Lucknow (contained as Annexure No. 1) in the interest of justice."

3. It has been submitted by the learned counsel for the petitioner that the informant has lodged the impugned F.I.R. by cooking up the false story, the truth of the matter is that the petitioner had been abducted by the opposite party no. 4 and

had been thrown of the first floor roof as a result whereof both the legs of the petitioner were fractured and he also suffered spinal injury. The petitioner tried to lodge F.I.R., but his F.I.R. was not lodged by the Police Station concerned, he also moved an application on 06.07.2023 to the Station House Officer, Gajipur, Lucknow through registered post, a copy of such application has been filed as annexure-03 to the writ petition. When the petitioner recovered slightly, he lodged the F.I.R. on 13.08.2023 in Case Crime No. 356 of 2023 under Sections 147, 307, 323, 325, 342, 392, 504, 506 of the I.P.C. at Police Station - Gajipur, District - Lucknow, a copy of such F.I.R. has been filed as Annexure-04 to the writ petition.

4. Only to harass the petitioner and as a counter-blast the impugned F.I.R. has been registered as Case Crime No. 0377 of 2023 on 23.08.2023 with regard to an alleged incident which occurred on 03.07.2023, in fact, the petitioner is the aggrieved person as he have suffered injuries.

5. This Court has gone through the F.I.R. and finds that a cognizable offence to be made out against the petitioner and no case for interference as prayed for in this petition is made out.

6. The writ petition stands ***dismissed***.

Order Date :- 16.10.2023
Darpan Sharma