

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8090 of 2023

Petitioner :- Pramod

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

Counsel for Petitioner :- Anil Kumar Singh

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Karunesh Singh Pawar,J.

1.Heard learned counsel for the petitioner and learned A.G.A. for the State.

2.Present writ petition has been filed with following main relief :

"issue a writ, order or direction in the nature of CERTIORARI QUASHING the first information Police Station Pasigawan District Kheri af 1.06 o'clock, related to case crime No.344/2023, U/S 34, 307 dI.P.C. at police station Pasigawan District Kheri. Contained in Annexure NO.1 to this writ petition.

ii. issue a writ, order or direction in the nature of Mandamus commanding the respondent NO.3 not arrest to the petitioner in pursuance of the first information report dated 28.07.2022, related to case crime NO 344/2022, U/S 34, 307 1.P.C.at police station Pasigawan District Kheri. Contained in Annexure NO.1 to this writ petition"

3.Learned counsel for the petitioner has submitted that the petitioner is completely innocent and has been falsely implicated. The complainant is an Inspector (Crime) Sandip Kumar Yadav, Police Station Pasigawan, district Kheri who is colluding with the accused in a case where petitioner's sister had filed a first information report alleging rape on the accused.

It has been submitted that the petitioner is residing at Ludhiyana and he has no concern. There is no recovery made and no injury caused but section 307 I.P.C. has been falsely imposed.

4.Learned A.G.A., on the other hand, has pointed out that the first information report itself shows that at least five people were nabbed on the spot. The petitioner had run away and his co-accused have been taken into custody and he has been shown as gang leader.

5.We have gone through the first information report and find no good ground to show interference.

6.The petition is dismissed.

Order Date :- 18.10.2023
kkb/