

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8076 of 2023

Petitioner :- Pawan Kumar

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

Counsel for Petitioner :- Vinayak Tiwari, Rahul Srivastava

Counsel for Respondent :- G.A., Santosh Kumar Dubey

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Karunesh Singh Pawar, J.

Heard learned counsel for the petitioner and learned AGA for the State.

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

Issue a writ order or direction in the nature of certiorari thereby quashing the impugned First Information Report dated on 05.09.2023 lodged at F.I.R No.0373 of 2023 Under Section-147,504,323,452,307,506 I.P.C. in relating Police Station-Antu District-Pratapgarh contained Annexure No. 1 to this writ petition.

It has been submitted by the learned counsel for the petitioner that the impugned F.I.R. has been lodged as a counter blast to the FIR lodged by the petitioner. The petitioner has lodged his FIR on 01.09.2023 with regard to the incident that had occurred on the same day and is registered as FIR No. 0365 on 2023 at P.S. Antu, District Pratapgarh under Sections 147/323/504/506 IPC. As a counter blast to the said FIR alleging the incident of the same day dated 01.09.2023, an FIR has been lodged deliberately on 05.09.2023 registered as FIR No.0373/2023, under Section 147/504/323/452/307/506 IPC.

The counsel for the caveater has filed a counter affidavit today.

Learned AGA has also produced instructions sent by the Sub Inspector Umesh Pratap Singh, P.S. Antu, District Pratapgarh. It is evident from the same that at least three persons were injured. X-ray report, CT scan and other material relating to the medical treatment undergone by the injured have been filed as annexures to the counter affidavit.

This Court finds that there was an altercation which occurred on 01.09.2023 and in that incident, the petitioners may have suffered injuries, but the respondents have suffered greater injuries.

Prima facie the cognizable offence is made out and accordingly, the petition is ***dismissed***.

Order Date :- 18.10.2023/R.C.