

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8068 of 2023

Petitioner :- Rakesh Kumar And Others

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Home, Lko. And Others

Counsel for Petitioner :- Jaibind Singh Rathour, Bahar Ali

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.

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

"issue a writ order of direction in the nature of certiorari thereby quashing impugned FIR dated 10-10-2023 bearing Case Crime No.139 of 2023 U/S 323, 504, 506, 392, 307, 452 I.P.C. registered at Police Station Baba Bazar District Ayodhya lodged by the Opposite Party No.4 as contained in Annexure No.1 to this writ petition."

It has been submitted by learned counsel for the petitioners that an altercation took place between the parties, as a result whereof, the petitioner was hospitalized on 09.10.2023 in Trauma Centre of King Georges Medical University, Lucknow. The petitioner no.2 is 73 years old and he has also received serious injuries. His medical examination was conducted by the Medical Officer in District Hospital Ayodhya on 10.10.2023 showing a fracture in one of his fingers.

It has been further submitted that impugned F.I.R. has been lodged only to falsely implicate the petitioners.

Learned A.G.A., on the other hand, has produced before this Court instructions sent by the Sub Inspector, Police Station Baba Bazaar, Ayodhya, wherein it has been stated that Section 392 of the I.P.C. has been deleted during the course of the investigation, whereas Section 307 of the I.P.C. is

made out from the injury report of the persons on the side of the informant.

Instructions are kept on record.

This court, *prima facie*, finds that some altercation took place and the F.I.R. cannot be deemed to have been lodged only as a counterblast to harass the petitioners.

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 petitioners, 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 petitioners and accordingly, the present writ petition is ***dismissed***.

Order Date :- 17.10.2023

Rahul