

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8088 of 2023

Petitioner :- Becha Lal Yadav And Another

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

Counsel for Petitioner :- Vishun Narain

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Karunesh Singh Pawar,J.

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

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

i.*Issue a writ, order or direction in the nature of certiorari quashing the impugned first information report dated 05/10/2023 lodged by the opposite party No.4 against the petitioners others at Police Station - Indira Nagar. District Lucknow (North) which was registered as FIR/CaseCrime No.352/2023 UnderSection 147/148/149/452/427/323/308/307/504/506/3791.P.C.Police Station- Indira Nagar, District-. Lucknow (North), as contained in Annexure No. 1 to this Writ petition in respect of the petitioners.*

ii. *Issue a writ, order or direction in the nature of Mandamus directing the opposite parties not to arrest the petitioners in pursuance of the impugned first Information Report dated 05/10/2023 lodged by the opposite party No.4 against the petitioners others at Police Station - Indira Nagar, District- Lucknow (North) which was registered as FIR/CaseCrimeNo.352/2023 Under Section 147/148/149/452/427/323/308/307/504/506/3791.P.C.Police Station- Indira Nagar, District-. Lucknow (North) Rural as contained in Annexure No.1 to this writ petition."*

3.It has been submitted by learned counsel for the petitioners that the petitioner No.1 is 75 years old and he looks after the temple. The informant (respondent No.4) belongs to a gang of persons who wanted to take over the temple, of which petitioner No.1 takes care of. He further submits that there is no injury but sections 307 and 308 I.P.C. have falsely been added.

4.Learned A.G.A. has produced before this court extract of the copy of case diary and the instructions sent by Sub Inspector Asit Yadav, P.S. Indira Nagar, district Lucknow.

The copy of case diary shows that at least four persons were injured. It has been stated in the case diary that petitioner No.1 Becha Lal Yadav and his son Ajay Kumar Yadav, and Mohan

Chauhan and Kullan Yadav assaulted the injured. There are at least four persons injured who received abrasion and contusion injuries. Instructions and copy of the relevant extract of the case diary are kept on record.

5.I 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

k kb/