

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8422 of 2023

Petitioner :- Amit Kumar Pandey

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

Counsel for Petitioner :- Anand Dubey, Deepak Yadav

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

1. Heard learned counsel for the petitioner and learned AGA.
2. This petition has been filed with the following main prayers:-
 - (i) *Issue a writ, order or direction in the nature of certiorari quashing the F.I.R. lodged as FIR No.-0231 of 2022, under Section-34, 307, 115, 411 IPC, Police Station - Dostpur, District - Sultanpur, same is contained as Annexure No.-1 to this writ petition in so far as it relates to the petitioner.*
 - (ii) *Issue a writ, order or direction in the nature of mandamus commanding the opposite party No.-1 to 3 not to arrest the petitioner in F.I.R. lodged as FIR No.- 0231 of 2022, under Sections-34, 307, 115, 411 IPC, Police Station - Dostpur, District - Sultanpur, as contained in Annexure No.-1 to this writ petition.*
3. It has been submitted by the learned counsel for the petitioner that the petitioner has been falsely implicated in the impugned FIR only on the basis of statement made by the co-accused, Indresh Tiwari. Indresh Tiwari was annoyed with the petitioner because he had sought shelter from the petitioner which the petitioner had denied to give shelter to him.
4. This Court has perused the FIR and finds that a cognizable offence is made out. Whether the petitioner was actually involved in conspiracy of Raj Narayan Yadav, Gram Pradhan of Village Ravaniya West concerned can only be looked into by the trial court during valuation of evidence.
5. This Court finds no good ground to show interference.
6. The writ petition is **dismissed**.

Order Date :- 1.11.2023

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