

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8570 of 2023

Petitioner :- Kapil Kumar Shukla Alias Mohit Shukla And Another

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

Counsel for Petitioner :- Mithila Bakhsh Tiwari

Counsel for Respondent :- G.A.,Virendra Singh

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Heard learned counsel for the petitioners, learned AGA on behalf of the State-respondents and Sri Dhirendra Pratap Singh who has filed his memo for appearance on behalf of opposite party no. 5 as he is in jail in pursuance of the FIR lodged by the petitioners on 18.7.2023.

This writ petition has been filed with a prayer to issue a writ, order or direction in the nature of Certiorari for quashing of the First Information Report dated 19.10.2023 registered as FIR No. 0159 of 2023 under Sections 147, 158, 307, 392, 323, 504, 506 IPC and 3(2)(V) of SC/ST Act, P.S. Nigoha, District Lucknow and for a direction to the respondents not to arrest the petitioner pursuant to the impugned FIR.

It has been submitted by the learned counsel for the petitioners that the informant is a known criminal of the area and he has lodged the FIR after more than one year of the alleged incident. A copy of the criminal history of the 35 criminal cases pending against the opposite party no. 5 has been filed as annexure-2 to the writ petition.

Sri Dhirendra Pratap Singh, learned counsel for the private respondent has pointed out that the criminal history that has been filed as annexure-2 to the writ petition is not of the opposite party no. 5 but that of his brother.

It has further been submitted by the learned counsel for the petitioners that the petitioners have been falsely implicated in the impugned FIR. The FIR has been lodged only as a counterblast of the FIR lodged by the petitioner no. 2 against opposite party no. 5, his brother and one other co-accused Amit. The informant has got his injuries manipulated owing to his strong criminal background.

This Court having heard the learned counsel for the parties, is of the opinion that the incident in referring of which two FIRs have been lodged cannot be said to have not occurred at all.

From the perusal of the FIR, a cognizable offence is made out against 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 FIR or for grant of any interim relief to the petitioners and accordingly, the present writ petition is **dismissed**.

Order Date :- 7.11.2023

AKK