

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8618 of 2023

Petitioner :- Mohd. Fareed Alias Fareed And Others

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

Counsel for Petitioner :- Ajey Singh

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

1. Heard learned counsel for the petitioners, learned A.G.A. who appears on behalf of the State Respondents and Sri Ashish Raman Mishra, Advocate who has filed his vakalatnama on behalf of the opposite party no. 4, which is taken on record.

2. This petition has been filed with the following main prayers:-

"[I] Issue a writ, order or direction in the nature of Certiorari thereby quash the impugned First Information Report dated 29.10.2023 lodged by the opposite party no. 4 in F.I.R./Case Crime No. 0655/2023, Under Section-147, 148, 149, 295-A, 323, 341, 307 & 506 I.P.C. which is registered at Police Station-Kotwali Dehat, District-Bahraich, so far as it relates to the present petitioners, as contained in Annexure No. I to the writ petition.

[II] Issue a writ, order or direction in the nature of Mandamus commanding the opposite parties not to arrest the petitioners in pursuance of the impugned First Information Report dated 29.10.2023 lodged by the opposite party no. 4 in F.I.R./Case Crime No. 0655/2023, Under Section-147, 148, 149, 295-A, 323, 341, 307 & 506 I.P.C. which is registered at Police Station-Kotwali Dehat, District-Bahraich, contained in Annexure No. I to the writ petition, in the interest of justice."

3. It has been submitted by the learned counsel for the petitioners that initially the F.I.R. was lodged by the informant only under Sections 147, 148, 323, 506 of the I.P.C., but later on grave offences have been alleged to have been committed, in fact no injury has resulted to the victim which may justify the invoking of Section 307 of the I.P.C.

4. Learned counsel for the private respondent has stated that the informant was attacked with brutal force by the petitioners and the co-accused and that he suffered head injury.
5. It has also been submitted that the informant was treated for three days at District Hospital, Bahraich, thereafter, he was referred to K.G.M.U where again he was treated for three days before his discharge.
6. This Court has perused the F.I.R. which shows that cognizable offence is made out against the petitioners.
7. Accordingly, the writ petition stands ***dismissed***.

Order Date :- 7.11.2023

Darpan Sharma