

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8696 of 2023

Petitioner :- Sadab Alam (Minor) Thru. His Natural Guardian Aftab Alam

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

Counsel for Petitioner :- Durgesh Mishra

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Heard learned counsel for the petitioner and learned A.G.A. for the State-respondents.

This petition has been filed praying the following reliefs:-

(a) Issue a writ, order or direction in the nature of certiorari thereby quashing the impugned first information dated 19.9.2023, vide case crime no. 330 of 2023 under Section 34, 147, 149, 323, 307, 504, 506 IP.C., lodged at Police Station- Aaspur Devsara, District- Pratapgarh as contained in Annexure-1 to this writ petition.

(b) Issue a writ, order or direction in the nature of mandamus commanding the opposite party not to harass, detain or prosecute the petitioner in pursuance of the impugned F.I.R.

It has been submitted by the learned counsel for the petitioner that as alleged in the F.I.R. an incident altercation took place between the parties on 18.9.2023. An F.I.R. was lodged by on Ajaj Ahmad, who is one of members of the parties which the petitioner belongs 34, 307, 324, 308, 504, 506 I.P.C. at Police Station- Aaspur Devsara, District- Pratapgarh on 19.9.2023 registered as F.I.R. No. 329 of 2023 at around 5.15 p.m. As a counter blast to the F.I.R. lodged by the petitioner's side the impugned F.I.R. has been registered as case crime no. 330 of 2023 at around 9:00 p.m. on the same date under Section under Section 34, 147, 149, 323, 307, 504, 506 IP.C.,

This Court has perused both the F.I.R. There is no doubt that there is some incident took place relating to battery and assault. It cannot be said that F.I.R. does not disclose any cognizable offence.

The Court finds no ground to show interference.

The writ petition is, accordingly, **dismissed**.

In case the petitioner is minor, a liberty is granted to him to approach the court concerned along with his application and educational documents, if any, and his matter may be referred to the Juvenile Justice Board on satisfaction of the Magistrate concerned.

Order Date :- 17.11.2023

Anuj Singh