

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8760 of 2023

Petitioner :- Satish Kumar Mishra

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

Counsel for Petitioner :- Rajnish Ojha, Piyush Chandra Agarwal

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

(1) Heard the learned counsel for the petitioner and the learned A.G.A. who appears for the Opposite party nos.1 to 4.

(2) This petition has been filed by the petitioner for the following main prayer:-

"1) A suitable writ, order or direction in the nature of Certiorari quashing the First Information Report dated 09.05.2023 lodged against the petitioner at Police Station Kadipur, District Sultanpur, as Case Crime No.0472 of 2023, dated 05.09.2023, under Sections 323, 504, 506, 307, 394 and 34 I.P.C., in Annexure No.1 to this writ petition."

(3) The main argument raised by the learned counsel for the petitioner is that an incident has occurred on 05.09.2023 in School at around 10:00 A.M. The F.I.R. was lodged on the same day at around 05:40 P.M., under Sections 323, 504, 506, 427, 307, 394 and 34 I.P.C. at Police Station Kadipur, District Sultanpur, bearing F.I.R. No.0471 of 2023. Regarding the same incident, the F.I.R. was lodged on the same day at 06:56 P.M. under Sections 323, 504, 506, 307, 394, 34 I.P.C., at Police Station Kadipur, District Sultanpur. It has been submitted on the basis of judgment rendered by Hon'ble the Supreme Court in the case of ***T. T. Antony Vs. State of Kerala & Others [Appeal (Crl.) 689 of 2021, Special Leave Petition (Crl.) no.1522 of 2020]***, two F.I.R.s cannot be entertained in the same police station namely F.I.R. No.471 and F.I.R. No.472 under the same sections alleging the offence having been committed by the

petitioner on the same person.

(4) This Court has compared the contents of the F.I.R. No.0471 and F.I.R. No.0472 and finds that the victim in both the F.I.R.s is different.

(5) In the earlier F.I.R., **Devendra Kumar Misrha**, son of Late Raj Narayan, had approached the police for the petitioner having beaten him up and also taken away money from him. The second F.I.R. has been lodged by the **Raghunayak Prasad Dwivedi** son of Ram Dularey Dwivedi, wherein Raghunayak Prasad Dwivedi, has been beaten up and some money has been taken away from his pocket, it cannot be said that two F.I.R.s regarding the same incident cannot be lodged.

(6) The Investigating Officer shall in his own discretion conduct the investigation in both the F.I.R.s together as they relate to the same School.

(7) The writ petition stands **disposed of**.

Order Date :- 9.11.2023

N.PAL