

**Court No. - 10**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 8892 of 2023

**Petitioner :-** Manoj Kumar Gupta @ Manoj And 2 Others

**Respondent :-** State Of U.P. Thru. Prin. Secy. Home Lko. And 3 Others

**Counsel for Petitioner :-** Ranjana Srivastava

**Counsel for Respondent :-** G.A.

**Hon'ble Mrs. Sangeeta Chandra,J.**

**Hon'ble Narendra Kumar Johari,J.**

Heard learned counsel for the petitioners, learned AGA who appears on behalf of the State-respondents and perused the record.

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 impugned FIR dated 10.11.2023 registered as Case Crime No. 0273 of 2023 under Sections 363, 352 IPC, P.S. Matera Nagar, District Bahraich and for a direction to the respondents not to harass and arrest the petitioners pursuant to the impugned FIR.

Learned AGA has produced before this Court a copy of the written instructions dated 22.11.2023 sent by Sri Sushil Kumar Singh, Sub Inspector P.S. Matera, District Bahraich wherein it has been stated that during the course of investigation it was found that petitioner no. 1 was handicapped and he could not have chased the informant, therefore, his name has been deleted. However, the petitioner nos. 2 and 3 were found involved in the offence and charge sheet under Sections 352 IPC has been submitted against them on 19.11.2023 to the Supervisory Authority for submission in Court.

In view of the aforesaid, so far as the petitioner no. 1 is concerned, the writ petition is **dismissed as having become infructuous**.

So far as the petitioner nos. 2 and 3 are concerned, since the charge sheet has been prepared by the Investigating Officer against them, it is presumed that sufficient evidence has been collected and filed with the charge sheet before the Trial Court for its evaluation, therefore, this Court feels it to be inappropriate to interfere at this stage.

The writ petition is **dismissed** with liberty to the petitioner nos. 2 and 3 to approach the Competent Court for raising their challenge to the charge-sheet.

Interim order, if any, stands vacated.

The said instructions are kept on record.

**Order Date :-** 2.12.2023/AKK