

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8935 of 2023

Petitioner :- Poonam Pandey And Others

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

Counsel for Petitioner :- Sangeeta Singh, Kanchan

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Heard learned counsel for the petitioners, learned A.G.A. for the State/respondents and perused the material placed on record.

This writ petition has been filed by the petitioners with the prayer to issue a writ, order or direction in the nature of Certiorari quashing the impugned FIR dated 11.11.2023, registered as FIR/Case Crime No.0557 of 2023, under Sections 323, 504, 506, 452, 427, 392, 34 I.P.C., at Police Station - Kadipur, District - Sultanpur, as contained in Annexure No.1 to the writ petition. A further prayer for issuing a writ, order or direction in the nature of Mandamus commanding and directing the respondents not to arrest the petitioners on the basis impugned FIR has been made.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the present case with malafide intention. Learned counsel for the petitioners further submits that the F.I.R. has been lodged more than 04 months after the alleged incident. Learned counsel for the petitioners has next submitted that the alleged incident as shown to have taken place at 9.30 P.M. on 06.07.2023. Learned counsel for the petitioners submits that the initially petitioners had lodged F.I.R. on 06.07.2023 itself at around 22.43 hours, i.e. around 1.45 P.M. at night with regard to the incident which took place on 06.07.2023 at 1.00 P.M. Learned counsel for the petitioners submits that the petitioners were in hospital for

medical examination at the time of the alleged incident as mentioned in the F.I.R. dated 11.11.2023.

Learned A.G.A. has pointed out that it is a cross case and the incident took place on 06.07.2023. The question is with regard to the timing of the incident. The petitioner has stated that the incident had taken place at 1.00 P.M. whereas the respondents say that the incident took place at 9.30 P.M. The distance of the place of occurrence from the place where the petitioners were taking medical care is 10 Kms.

Learned A.G.A. has also opposed the prayer and submitted that from a perusal of F.I.R. cognizable offence is made out against the petitioners.

We have gone through the impugned F.I.R. and other material placed on record and finds no good ground to show interference.

Accordingly, the writ petition is hereby **dismissed**.

Order Date :- 23.11.2023

ML/-