

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8945 of 2023

Petitioner :- Ram Abhilas Verma Matole @ Ram Abhilas Verma And Others

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

Counsel for Petitioner :- Lakshmi Kant Tripathi, Shwetanshu Prakash Dubey

Counsel for Respondent :- G.A., Sunil Kumar

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

1. Heard learned counsel for the petitioners, learned A.G.A. for the State-respondents and Sri Sunil Kumar, learned counsel for the respondent.

2. This Court had earlier passed the order dated 23.11.2023 in the writ petition, which is quoted hereinbelow:-

"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 report dated 14.11.2023 vide case crime no. 442 of 2023 under Sections 34, 323, 307, 324, 452, 427, 504 and 506 I.P.C., lodged at Police Station- Kotwali Dehat, District- Sultanpur.

(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 the petitioners have been falsely implicated in the present.

This Court has perused the impugned F.I.R. and finds that in the alleged incident two persons have got injuries and they were admitted to the District Hospital.

Learned A.G.A. shall seek instruction and produce medical examination report of the injured persons/victim on the next

date of listing.

List this case on 1.12.2023 as fresh."

3. Learned A.G.A. has produced before this Court instructions dated 29.11.2023 sent by Sri Praveen Mishra, Sub Inspector, P.S. Kotwali Dehat, District Sultanpur, wherein it has been stated that during the course of investigation, four pages have been issued till date. In the medical examination report of the victim, there are only simple injuries. Copies of the medical examination report has also been enclosed, which has been prepared by the Autonomous Government Medical College, Sultanpur.

4. Sri Sunil Kumar, learned counsel for the respondent no.4, has pointed out that the petitioners are habitual of violence and are complained of by the respondent no.4 on several occasions earlier also. Proceedings were also initiated under Section 107, 116 of the I.P.C. also against the petitioners at one point of time by the Police at the behest of respondent no.4.

5. Learned counsel for the respondent no.4 has also pointed out that in the F.I.R. the daughter of Ram Abhilakh was shown to be as aggressor, but due to inadvertence during drawing up list of accused, the name has been deleted by the Moharrir concerned.

6. From a perusal of the injury report and the impugned F.I.R., it appears that cognizable offence to be made out against the petitioners in the impugned F.I.R., therefore, no interference is called for by this Court in its extraordinary power under Article 226 of the Constitution of India for quashing of the F.I.R. or for grant of any interim relief to the petitioners and accordingly, the present writ petition is ***dismissed***.

Order Date :- 5.12.2023

Rahul