

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9018 of 2023

Petitioner :- Mashood Khan Alias Kaifi

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

Counsel for Petitioner :- Kalika Prasad Pandey

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 16.11.2023 vide case crime no. 757 of 2023 under Section 147, 148, 149, 323, 504, 506, 452, 427, 307 I.P.C., lodged at Police Station- Kotwali City, 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 petitioners that initially F.I.R. was lodged on the night of 15/16.11.2023 for the incident occurred at around 7:00 p.m. on the same date by the aunt of the petitioner. A copy of such F.I.R. No. 755 of 2023 dated 16.11.2023 under Sections 147, 148, 149, 323, 504, 506, 452, 427, 307 I.P.C. has been filed as Annexure-2 to the petition. As a counter blast to the same impugned F.I.R. has been lodged at around 2:30 p.m. on 16.11.2023.

Counsel for the petitioner says that in both the F.I.Rs. section 307 has been invoked, although the injuries to the victim are not of such nature.

The Court having perused the both the F.I.R. finds that the incident in question did happen and altercation in question did take place, where both the sides have received injuries, therefore there is no good ground to show interference.

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

Order Date :- 24.11.2023

Anuj Singh