

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9105 of 2023

Petitioner :- Rana @ Maksood Alam And Others

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

Counsel for Petitioner :- Ravindra Shukla

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 with the following main prayers :-

"(1) To issue a writ, order or direction in the nature of certiorari to quash F.I.R. dated 29.07.2023 bearing FIR No.111/2023, Under Sections 147, 148, 323, 504, 506, 307, 364 I.P.C., Police Station- -Baewana, District -Ambedkar Nagar lodged by the opposite party no.4 as contained in **Annexure No.1** to this writ petition.

(2) To issue a writ, order or direction in the nature of mandamus commanding the opposite parties not to take any coercive steps against the petitioners in pursuance of the impugned F.I.R. contained in **Annexure No.1** to this writ petition."

Learned counsel for the petitioners has submitted that initially F.I.R. was lodged by the opposite party No.4 in Case Crime No.114/2023 in Police Station Baewana, District Ambedkar Nagar only against 06 named accused and 18 unknown persons. During course of the investigation name of the petitioners has allegedly surfaced. It has been submitted that section 308 I.P.C. has been converted into Section 307 IPC and no case for under Section 307 IPC is made out from a perusal of the medical examination report of the opposite party No.4.

This Court has perused the impugned F.I.R. and finds that cognizable offence is made out against the petitioners.

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

Order Date :- 29.11.2023/ML