

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9111 of 2023

Petitioner :- Rishi Tiwari And Others

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

Counsel for Petitioner :- Nijam Ahamad

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 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 First Information Report dated 16.11.2023 registered as FIR No. 371 of 2023 under Sections 147, 323, 504, 308 IPC and Section 3(2)(v-a) SC/ST Act at P.s. Raje Sultanpur, District Ambedkar Nagar and for a direction to the respondents not to arrest the petitioners pursuant to the impugned FIR.

Learned AGA has produced before this Court written instructions dated 7.12.2023 sent by Sri Vinod Kumar Tiwari, Sub Inspector, P.S. Rajesultanpur, District Ambedkar Nagar wherein it has been stated that accused Ritik Tiwari and Shalu were not found to be involved in the commission of offence, hence, their names have been deleted. Sections 308/147 IPC have been removed whereas Section 3(2)5A of the SC/ST Act has been converted into Section 3(1)(R)(S) of SC/ST Act. Charge sheet No. 345 of 2023 dated 5.12.2023 has been prepared against accused Rishi Tiwari, Indramani Tiwari and Anand Kumar and submitted to the Supervisory Authority.

The said instructions are kept on record.

In view of the aforesaid, writ petition is **dismissed has having become infructuous** so far as the petitioners no. 2 and 4 are concerned.

Since the charge sheet has been prepared by the Investigating Officer against accused Rishi Tiwari, Indramani Tiwari and Anand Kumar, 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 on merits** with regard to the petitioner nos. 1 and 3 with liberty to them to approach the Competent Court for raising their challenge to the charge-sheet.

Interim order, if any, stands vacated.

Order Date :- 11.12.2023

AKK