

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9292 of 2023

Petitioner :- Juvenile A Thru. His Father Mujammil Khan

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

Counsel for Petitioner :- Ajmal Khan, Javed Khan

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

1. Heard learned counsel for the petitioner and learned A.G.A. who appears on behalf of the State Respondents.

2. This petition has been filed with the following main prayers:-

*"i. Issue a writ, order or direction in the nature of **Certiorari** quashing the impugned F.I.R. dated 16/11/2023 vide Case Crime No.- 757/2023, under section-147, 148, 149, 323, 504, 506, 452, 427, 307 I.P.C., Police Station-Kotwali City, District- Pratapgarh, against the petitioner. (contained as Annexure No.1)*

*ii. Issue a writ, order or direction in the nature of **Mandamus** directing the opposite party no-2 and 3 not to arrest and not to take any action against the petitioner on the basis of impugned F.I.R. dated 16/11/2023 vide Case Crime No.- 757/2023, under section-147, 148, 149, 323, 504, 506, 452, 427, 307 I.P.C., Police Station-Kotwali City, District-Pratapgarh."*

3. It has been submitted by the learned counsel for the petitioner that the petitioner is only 15 years of age and his High School Mark Sheet shows his date of birth as 27.09.2008, a copy of which has been filed as Annexure 02 to the petition. The petitioner has been falsely implicated in the impugned F.I.R. The place of the incident is the maternal village/nanihal of the petitioner and at the time of the alleged incident the petitioner was at his parental house in Village Shitlaganj, District- Pratapgarh.

4. This Court has perused the F.I.R., it appears that there are two F.I.R.s relating to same incident of shooting and intimidation. The injuries have been received by both sides.

5. This writ petition is ***disposed of*** with a direction to the petitioner's guardian to produce his educational documents before the Investigating Officer who shall refer the matter to the Juvenile Justice Board for appropriate orders to be passed.

Order Date :- 7.12.2023

Darpan Sharma