

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9372 of 2023

Petitioner :- Pradeep Singh And Others

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

Counsel for Petitioner :- Manuvendra Singh, Dharmendra Kumar

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.

Vakalatnama filed on behalf of respondent No.4/informant by Shri Sudhir Kumar Rai, Advocate is taken on record.

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

"(i) Issue a writ order or direction in the nature of Certiorari to quash the impugned F.I.R. No. 0624 of 2023, Under Section 307, 147, 148, 323, 504, 506, 452 I.P.C., Police Station - Kotwali Beekapur, District - Ayodhya, dated 03.12.2023 lodged by the opposite party no.4 as contained in Annexure No.1 to this writ petition.

(ii) Issue a writ order or direction in the nature of Mandamus directing the opposite parties, not to arrest the petitioner's in pursuance of the impugned First Information Report contained in Annexure No.1 to this writ petition."

It has been submitted by learned counsel for the petitioners that there is a long running enmity between two families and F.I.R. has been lodged against 07 family members alleging altercation resulting in beating up of the victims. The dispute relates to taking possession over certain land which is disputed and for which civil proceedings are also pending. It has been next submitted that perusal of the F.I.R. would show that petitioner No.2, 3, 5 & 6 were not present at the time of occurrence at the place of the incident but opposite party No.4 has falsely implicated them also.

Learned counsel for the respondent No.4 has produced before this Court cross F.I.R. No.0625 dated 03.12.2023, registered at 8.30 P.M. in Police Station- Kotwali Beekapur, District Ayodhya with regard to the same incident by the wife of petitioner No.2. Learned counsel for the petitioners says that the time and place of the incident in the F.I.R. No.0625 of 2023 is different from the place of the incident as mentioned in the impugned F.I.R. No.624/2023.

Learned counsel for the private respondent has pointed out from the medical examination reports of at least 02 of the victims that they have suffered bone deep injuries either near the eye or near the ear on the head, i.e. vital part of the body and even in the instructions sent by Sub Inspector, Police Station- Kotwali Beekapur, District Ayodhya it has been pointed out that two of the victims, namely, Udai Pratap Singh and Shrishti were referred to the District Hospital for further investigation.

This Court having perused the F.I.R. is of the opinion that the incident of mar-peat cannot be disputed. With regard to the seriousness of the injuries to at least two victims, this Court cannot find fault with the medico legal examination reports submitted before this Court. The same are kept on record.

This Court does not find any good ground to show interference in the matter.

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

In case some of the petitioners are minor, their guardians are directed to produce the original educational certificates before the Investigating Officer, who shall produce such alleged minors before the Juvenile Justice Board concerned, which shall pass appropriate orders in accordance with law, as expeditiously as possible.

Order Date :- 12.12.2023

ML/-