

Court No. - 2

Case :- CRIMINAL MISC. WRIT PETITION No. - 5546 of 2025

Petitioner :- Nuruddin And Others

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

Counsel for Petitioner :- Manik Mishra

Counsel for Respondent :- G.A., Sukh Deo Singh

Hon'ble Alok Mathur, J.

Hon'ble Shree Prakash Singh, J.

1. Heard Sri Manik Mishra, learned counsel for the petitioners, Sri Sukh Deo Singh for the caveator- respondent No.4 and learned A.G.A. on behalf of the State - respondents.

2. By means of the present writ petition the petitioner has prayed for quashing the first information report dated 22.5.2025 registered as case crime No.150/2025 under Sections 109, 115(2), 333, 352, 351(2), 351(3) of B.N.S. (Sections 34, 307, 323, 452, 352, 504, 506 IPC) and 3(2) (V) of S.C./S.T. (P.A.) Act relating to police station Kudwar, District Sultanpur. It has been stated that according to the complainant the incident relates to 21.5.2025 at around 7.30 P.M. when his nephews had gone to the shop to purchase goods the petitioners were waiting for them and when they reached there they were attacked with knife, *lathi*, *danda* and iron rod and with intention to kill caused serious injuries to them and also hurled caste related abuses. One of the injured was taken to hospital. There is no dispute that the injuries they received in the said incident are serious in nature and learned counsel for the petitioners has confined his argument to the fact that the petitioners have been wrongly implicated as accused in the said incident. He further submits that there is clear alibi with regard to non - participation of the petitioners.

3. Learned A.G.A., on the other hand, has opposed the writ petition.

4. Considering the rival submissions, it is noticed that there is no dispute that the injuries which have been received are serious injuries and the petitioners have been named in the first information report. The argument of the petitioners with regard to involvement or non participation as accused is an issue which cannot be considered in writ jurisdiction as these are disputed questions of fact and the petitioners would have adequate opportunity to raise all the defence during investigation or at appropriate stage during trial.

5. In light of the above, it cannot be said that no offence is made out unless there is clear statement with regard to the injuries caused to the persons as per the version of the first information report. Accordingly, there is no ground for interference in proceedings under Article 226 of the Constitution. The petition is misconceived and is accordingly **dismissed**.

(Shree Prakash Singh, J.) (Alok Mathur, J.)

Order Date :- 30.6.2025
RKM.