

**Court No. - 1**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 18771 of 2018

**Petitioner :-** Kalu Jain Alias Subham Jain

**Respondent :-** State Of U.P. And 3 Others

**Counsel for Petitioner :-** Aklank Kumar Jain

**Counsel for Respondent :-** G.A.

**Hon'ble Ramesh Sinha, J.**

**Hon'ble Dinesh Kumar Singh-I, J.**

Heard Sri A.K.Jain, learned counsel for the petitioner, Sri Deepak Mishra, learned A.G.A. for the State and perused the impugned FIR as well as material brought on record.

This petition has been filed by the petitioner with a prayer to quash the FIR dated 9.6.2018, registered as case crime No.733 of 2018, under Sections 307 & 427 I.P.C., P.S. Kotwali Nagar, District Etah.

Learned counsel for the petitioners submits that the petitioner is innocent and has been falsely implicated in the present case with malafide intention. He further submitted that though the F.I.R. of the present case was registered under section 307 I.P.C. but it is a case of no injury, the said fact has been mentioned in para-5 of the present petition. No offence is made out against the petitioner, hence, FIR is liable to be quashed by this Court.

Learned A.G.A. opposed the prayer for quashing of the FIR.

Considering the submissions advanced by learned counsel for the parties and nature of the allegations, it is directed that the petitioner shall not be arrested in above mentioned case, till the submission of the police report under section 173(2) Cr.P.C. but he shall co-operate with the investigation of the case.

With the above direction, this petition is finally disposed of.

(Dinesh Kumar Singh-I, J.)      (Ramesh Sinha, J.)

**Order Date :-** 17.7.2018/NS