

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 14421 of 2023

Petitioner :- Parmeshwar Soni

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Sanjay Kumar Shukla

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Sanjay Kumar Shukla, learned counsel for the petitioners and Shri Ratan Singh, learned A.G.A for the State respondents.

2. The relief sought in this petition is for quashing of the F.I.R. dated 13.04.2022, registered as Case Crime No. 0081 of 2022, under Sections 379, 411, 413, 414, 467, 468, 472, 782, 483, 489, 120-B I.P.C., Police Station Siddharth Nagar, District Siddharth Nagar. Further prayer has been made not to arrest the petitioners in the aforesaid case.

3. Submission of learned counsel for the petitioner is that the petitioner is resident of Bihar whereas the First Information Report was lodged against unknown persons and the certain accused subsequently have named the petitioner, therefore, he is entitled to challenge the impugned FIR. Submission is that petitioner is not concerned with any of the offence and he has been falsely implicated in the present case.

4. *Per contra*, learned A.G.A. submits that the accused so arrested with incriminating material, all of them have been named the petitioner herein Parmeshwar Soni. He further submits that petitioner is absconding and proceedings of Sections 82 & 83 Cr.P.C. have been initiated. He submits that petitioner alongwith other is operating a car lifter gang and, therefore, commission of a cognizable offence is made out.

5. Perusal of the impugned First Information Report *prima facie* reveals commission of cognizable offence.

6. Therefore, in view of the law laid down by Hon'ble Supreme Court in the case of **State of Haryana and others vs. Bhajan Lal**

and others, 1992 Supp. (1) SCC 335 and M/s Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra, AIR 2021 SC 1918 and in Special Leave to Appeal (Crl.) No.3262/2021 (Leelavati Devi @ Leelawati & another vs. the State of Uttar Pradesh) decided on 07.10.2021, no case has been made out for interference with the impugned first information report.

7. The writ petition is **dismissed**.

Order Date :- 16.10.2023

Shafique