

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 14464 of 2023

Petitioner :- Mohd Aslam And 4 Others

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

Counsel for Petitioner :- Diwan Saifullah Khan, Mohd Harish

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Diwan Saifullah, learned counsel for the petitioners and Shri Virendra Kumar Pal, learned A.G.A for the State respondents.
2. The relief sought in this petition is for quashing of the F.I.R. dated 28.05.2023, registered as Case Crime No. 98 of 2023, under Sections 147, 148, 149, 341, 447, 323, 504, 506, 307, 386 IPC and Section 3(2)(v) S.C./S.T. Act, Police Station Pooramufti, District Prayagraj. Further prayer has been made not to arrest the petitioners in the aforesaid case.
3. Submission of the learned counsel for the petitioners is that the petitioners have been falsely implicated in the present case for the reason that they are real brother of the accused-Muzaffar and it has been further submitted that false implication is due to political rivalry.
4. *Per contra*, learned AGA opposed the petition and pointed out that petitioners have been specifically named in the impugned First Information Report, and all accused persons operates as land mafias and extortionist. It is further pointed out that the accused Muzaffar- brother of the petitioners has criminal history of 32 cases, whose petition being Criminal Misc. Writ Petition No.8742 of 2023 (Mohammad Muzaffar vs. State of U.P. and Others) has already been dismissed by a Co-ordinate Bench of this Court vide order dated 06.06.2023, therefore, a cognizable offence is made out.
5. Perusal of the impugned first information report *prima facie* reveals commission of cognizable offence. 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.

6. The writ petition is devoid of merit and is accordingly dismissed.

Order Date :- 9.11.2023

Nitendra