

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 14604 of 2023

Petitioner :- Suraj Sonkar

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

Counsel for Petitioner :- Vinod Kumar Singh Kushwaha

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Vivek Kumar Singh,J.

Heard learned counsel for the petitioner, learned counsel for the first informant and learned A.G.A. for the State.

The instant writ petition seeks quashing of the FIR dated 16.8.2023 giving rise to Case Crime No.97 of 2023, under Sections 419, 420, 504, 506 I.P.C., Police Station- Bahariyabad, District- Ghazipur.

The contention of learned counsel for the petitioner is that the impugned first information report has been lodged against the petitioner maliciously as he is only an employee of Puneet Automobile Pvt. Limited. The vehicles are being provided to the customers by the Manager and that the petitioner has no role to play in the matter, therefore, the allegations contained in the first information report do not constitute an offence in so far as the petitioner is concerned.

We find that the allegations in the first information report is only against the petitioner and that he has provided the pick up van, which has been purchased in the name of the son of the informant (since deceased), and after the date of death, therefore, this allegation constitute cognizable offence against the petitioner.

The submissions that have been made by counsel for the petitioner at bar are his defence, which is not liable to be taken into account dealing with the writ petition directed against the quashing of the first information report.

Under these circumstances the first information report cannot be quashed and is dismissed, without prejudice to the right of the petitioners to apply for bail/anticipatory bail.

Order Date :- 6.11.2023

Dev/-