

**Court No. - 45**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 14650 of 2023

**Petitioner :-** Mahendra Yadav @ Mahendra Kumar Singh

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

**Counsel for Petitioner :-** Yashpal Singh, Mahesh Kumar

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

**Hon'ble Vivek Kumar Birla, J.**

**Hon'ble Vinod Diwakar, J.**

1. Heard Sri Mahesh Kumar Tripathi, learned counsel for the petitioner and Sri 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 5.8.2023 registered as Case Crime No. 368 of 2023 under Sections 3/5A/8 of Cow Slaughter Act and Section 11(d) of Animal Cruelty Act, Police Station Meja, District Prayagraj. Further prayer has been made not to arrest the petitioner in the aforesaid case.

3. Submission of learned counsel for the petitioner is that the petitioner is owner of the vehicle having valid registration for carrying animals. It is next submitted that the petitioner has not committed any offence and his name has figured in the statement of one Ikram Ahmad and simply for this reason present First Information Report lodged against him, which is not maintainable. It is next submitted that the petitioner has no criminal history and there is no dependent eye witness of the alleged offence and the recovery.

4. Learned AGA opposed the prayer for quashing of the FIR, which discloses cognizable offence.

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. Therefore, the writ petition is dismissed leaving it open for the petitioner to apply before the competent court for anticipatory bail/bail as permissible under law and in accordance with law.

**Order Date :- 12.10.2023**

Lalit Shukla