

**Court No. - 45**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 14722 of 2023

**Petitioner :-** Pramod Kumar Gupta

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

**Counsel for Petitioner :-** Abhishek Mayank, Abhishek Srivastava

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

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

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

1. Heard Shri Abhishek Mayank, learned counsel for the petitioner and Shri G.P. Singh, learned AGA for the State respondents.
2. The relief sought in this petition is for quashing of the F.I.R. dated 27.08.2023, registered as Case Crime No. 504 of 2023, under Sections 420, 467, 468, 471, 272, 273 IPC and Section 60(1), 63, 72 U.P. Excise Act, Police Station Akraabad District Aligarh. Further prayer has been made not to arrest the petitioner in the aforesaid case.
3. Submission of the learned counsel for the petitioner is that the petitioner has been falsely implicated in the present case; he is an old aged person, and he was not present on the spot, and was not even shown as absconding. Submission, therefore, is that it is a case of malicious prosecution and no allegation as alleged has been made out against the petitioner.
4. Learned AGA opposed the petition and submits that, out of 15 named accused persons, 12 have already been arrested and remaining are absconding. It is further submitted that the petitioner has criminal history of four other cases including 3 cases of Excise Act and one case of Gangster Act, therefore, no interference is required in the matter.
5. We find substance in the argument of learned AGA.
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 accordingly dismissed.

**Order Date :- 12.10.2023**

Nitendra