

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 15063 of 2023

Petitioner :- Manoj Tripathi And 3 Others

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

Counsel for Petitioner :- Dinesh Kumar Mishra

Counsel for Respondent :- G.A.,Ajay Kumar Jagdish,Ram Kumar Dubey

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Shri Dinesh Kumar Mishra, learned counsel for the petitioners, Shri Ajay Kumar Jagdish, learned counsel for the informant and Shri Surendra 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 01.09.2023, registered as Case Crime No. 00514 of 2023, under Sections 147, 148, 149, 504, 506, 507, 307 of IPC and 7 Criminal Law Amendment Act, Police Station Handia, District Prayagraj. Further prayer has been made not to arrest the petitioners in the aforesaid case.

3. Submission of learned counsel for the petitioners is that entire allegation in the FIR is absolutely false; he submits that there are allegation against co-accused Prabha Shankar who have assigned role of firing on son of respondent no. 2 and petitioners have not assigned any specific role and infact the petitioners were not present on the spot and in respect of the same incident, the petitioner's side has also lodged FIR.

4. Per contra, learned counsel for the informant submits that at the best can be said that it is a cross case and petitioners have criminal history.

5. In para 26, it is mentioned that petitioners are not involved in any criminal activities, however, learned AGA has pointed out that petitioner no. 1 has criminal history of four cases, petitioner no. 2 has criminal history of 5 cases, petitioner no. 3 has criminal history of 7 cases and petitioner no. 4 has criminal history of 6 cases and FIR would clearly reflect that cognizable offence has been made out. Learned AGA opposed the prayer for quashing of the FIR, which discloses cognizable offence.

6. Perusal of the impugned first information report prima facie reveals commission of cognizable offence.

7. 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.

8. The petition is dismissed.

Order Date :- 12.10.2023

Ujjawal