

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 15326 of 2023

Petitioner :- Riyasat Ali And 3 Others

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

Counsel for Petitioner :- Devendra Tiwari Deva

Counsel for Respondent :- G.A.,Devendra Mani Tiwari,Shiv Charan Tripathi

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Sri Devendra Kumar Tiwari, learned counsel for the petitioners and learned A.G.A for the State respondents.

2. The relief sought in this petition is for quashing of the F.I.R. Dated 30.08.2023, registered as Case Crime No. 636 of 2023, under Sections 384, 506 IPC, Police Station Jalalabad, District Shahjahanpur. Further prayer has been made not to arrest the petitioners in the aforesaid case.

3. Shri Devendra Kumar Tiwari, learned counsel for the petitioners has filed a mention slip along with copy of the whats app messages sent to the learned counsel for the informant that the case shall be taken up in the first call. Mention slip also carries the endorsement that the whats app message has been duly received, which is taken on record.

4. Learned counsel for the informant is not present. Therefore, We proceed to hear the matter on merits.

5. Submission of learned counsel for petitioners is that the civil dispute is already pending between the parties and the allegations regarding an attempt to take illegal possession over the property belongs to the informant is absolutely false and malicious.

6. *Per contra*, learned AGA pointed out that Riyasat Ali and three others have criminal history of four cases, details are given below -

- Case Crime NO.636 of 2023 (present case.)
- Case Crime No.381 of 2022, under Sections 3/25 Arms Act.
- Case Crime No.936 of 2014, under Sections 147, 323, 354 IPC.

- Case Crime No.606, under Section 364 IPC.

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

8. In such of the matter, we do not find any good ground to take a different in view in the matter.

9. However, 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.

10. Therefore, the writ petition is dismissed.

Order Date :- 16.10.2023

RKM