

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 15196 of 2023

Petitioner :- Praveen Chaudhary And Another

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

Counsel for Petitioner :- Anil Kumar Dubey

Counsel for Respondent :- G.A.,Deepak Singh Patel

Hon'ble Vivek Kumar Birla,J.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Anil Kumar Dubey, learned counsel for the petitioners and Sri G.P. Singh, learned A.G.A for the State respondents.
2. No one is present on behalf of the informant.
3. The relief sought in this petition is for quashing of the F.I.R. dated 3.9.2023 registered as Case Crime No. 540 of 2023 under Sections 364, 506 IPC, Police Station Baheri, District Bareilly. Further prayer has been made not to arrest the petitioner in the aforesaid case.
4. Submission of learned counsel for the petitioners is that the petitioners have been falsely implicated in the present case and the informant and his son Ritik have bad habits and were always in money problem, therefore, some incident may have taken place, which has no concern with the petitioners.
5. Per contra, learned AGA opposed the prayer for quashing of the FIR, which discloses cognizable offence and submits that the recovery has not been made and the specific manner as to how and why the offence is committed is clearly made out and no interference is warranted in the present case.
6. 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.

7. Therefore, the writ petition is dismissed.

Order Date :- 20.11.2023

Lalit Shukla