

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 15264 of 2023

Petitioner :- Jai Prakash Verma And 5 Others

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

Counsel for Petitioner :- Ranjeet Kumar Mishra, Manisha Singh

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra, J.

Hon'ble Vivek Kumar Singh, J.

Heard learned counsel for the petitioners and learned A.G.A. for the State.

The instant writ petition seeks quashing of the FIR dated 16.3.2023 giving rise to Case Crime No.0099 of 2023, under Sections 364 and 506 I.P.C., Police Station- Maduwadeeh, District- Varanasi, Varuna (Commissionerate Varanasi).

The contention of learned counsel for the for the petitioners is that the petitioners belongs to the same family as of the informant. Dispute between them is of property. The sister-in-law of the informant has gone away with the son of informant and allegation of kidnapping has been alleged in the first information report.

On a query by the Court, counsel for the petitioners states that petitioners are unaware about the whereabouts of the Ajay Singh/victim as stated in the first information report.

Submissions that have been made on behalf of the petitioners are their defence, which cannot be looked into while dealing with a writ petition seeking quashing of a first information report. The allegation in the first information report that the son of informant has been kidnapped.

Moreover, the allegations made in the First Information Report clearly disclose commission of cognizable offences and the allegation in the first information report whether are correct or not this exercise is to be performed either during investigation or during trial. Therefore, prayer of the

petitioners to quash the First Information Report is completely misconceived and is rejected.

The writ petition is therefore dismissed, without prejudice to the right of the petitioners to apply for bail/anticipatory bail.

Order Date :- 31.10.2023

Dev/-