

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 15685 of 2023

Petitioner :- Sanjeev Agrawal Alias Bintoo

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Rajrshi Gupta, Shekhar Gangal, Sr. Advocate

Counsel for Respondent :- G.A., Devesh Kumar Shukla, Dharmesh Kumar Shukla

Hon'ble Anjani Kumar Mishra, J.

Hon'ble Arun Kumar Singh Deshwal, J.

Heard learned counsel for the petitioner, learned counsel for the informant and learned A.G.A. for the State.

The instant writ petition seeks quashing of the FIR dated 26.8.2023 giving rise to Case Crime No. 621 of 2023, under Sections 341, 392, 427, 504, 506 I.P.C., Police Station- Khair , District- Aligarh.

Contention of learned counsel for the petitioner is that the petitioner is a government official and the F.I.R. has been lodged on fabricated allegations as earlier in time the State authorities have lodged the F.I.R. against the first informant. It is also vehemently argued that the informant is not the owner of the land over which the demolition is alleged in the impugned F.I.R.

Be that as it may, the issue as to articles over the land in question is alleged to have been removed from the spot of demolition, would not be the subject matter of adjudication of the writ court in a writ petition seeking quashing of the F.I.R.

Suffice it to state that the allegations in the F.I.R. definitely contain ingredients of cognizable offence, the F.I.R. therefore cannot be quashed specially on the basis of submissions that have been made as above.

Under the circumstances, the writ petition is therefore **dismissed**, without prejudice to the right of the petitioner to apply for bail/anticipatory bail.

Order Date :- 20.11.2023

Vandana