

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 15590 of 2023

Petitioner :- Suraj Rajbhar

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

Counsel for Petitioner :- Pradeep Kumar, Sanjay Kumar Dwivedi

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Shri Pradeep Kumar, learned counsel for the petitioner 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 05.08.2023, registered as Case Crime No. 0427 of 2023, under Sections 3(1) U.P. Gangster & Anti Social Activities (Prevention) Act, 1986, Police Station Chaubepur, District Varanasi. Further prayer has been made not to arrest the petitioner in the aforesaid case.

3. Submission of learned counsel for the petitioner is that petitioner is innocent and falsely implicated in the present case. All the four cases shown against the petitioner was lodged when petitioner was minor, considering this fact that petitioner was released on bail on probation under the supervision of District Probation Officer with certain conditions and the petitioner was implicated due to village party bandi.

4. Per contra, learned AGA submits that admittedly petitioner has criminal history of four cases wherein he has already been released on probation but is still continuing his activities as a member of the gang and that on reading of FIR a cognizable has been made out.

5. We find that the cases shown against the petitioner are almost similar in nature and allegation is that petitioner by using ATM cards is repeatedly drawing money of the informant in those cases.

6. 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. The present petition is dismissed.

Order Date :- 18.10.2023

Ujjawal