

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 15718 of 2023

Petitioner :- Ravindra Kumar Singh

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

Counsel for Petitioner :- Sudhir Kumar Singh

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Shri Anil Kumar Singh, holding brief of Shri Sudhir Kumar Singh, learned counsel for the petitioner, Shri Virendra Kumar Pal, learned A.G.A for the State-respondents, and perused the record.

2. The relief sought in this petition is for quashing of the impugned First Information Report dated 19.11.2022, registered as Case Crime No.0652 of 2022, under Sections 420 IPC and 66D of IT Act, Police Station- Naini, District Prayagraj. Further prayer has been made not to arrest the petitioner in the aforesaid case.

3. Submission of learned counsel for the petitioner is that the petitioner is innocent and he was using two mobile numbers which he lost in the year 2022, but he did not file any FIR in respect of lost of such mobile numbers. He has no connection with the offence as alleged, he is illiterate and only a labourer in a private factory in Gujarat, as such the impugned FIR is liable to be quashed.

4. *Per contra*, learned A.G.A. submits that the mobile has been used as CDR report and location was found in Jamtara, Jharkhand and he is a member of gang, and his name has also figured during the investigation, therefore, cognizable offence is made out.

5. *Prima-facie*, on plain reading of the contents of the impugned FIR, we find that the commission of a cognizable offence is made out. The arguments being raised by learned counsel for the petitioner is nothing but a defence of the petitioner that cannot be considered for the purpose of quashing of the impugned FIR. The petitioner has also failed to bring his case within the parameters of ***State of Haryana and others Vs. Bhajan Lal and others, 1992***

Supp. (1) SCC 335. Therefore, the extra-ordinary power vests with this Court cannot be invoked in the facts-circumstances of the case.

6. The writ petition is devoid of merits, and is accordingly, **dismissed.**

Order Date :- 1.11.2023

Anil K. Sharma