

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 15802 of 2023

Petitioner :- Arun Verma And Another

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

Counsel for Petitioner :- Devi Prasad Tripathi, ,Sanjay Tiwari

Counsel for Respondent :- G.A.,Dhiraj Srivastava

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Supplementary affidavit filed today is taken on record.
2. Heard Shri Sanjay Tiwari, learned counsel for the petitioners and Shri learned A.G.A for the State respondents.
3. The relief sought in this petition is for quashing of the F.I.R. dated 19.09.2023, registered as Case Crime No. 0519 of 2023, under Sections 387, 341, 452, 504, 506 IPC, Police Station Modi Nagar, District Gramin (Commissionerate Ghaziabad). Further prayer has been made not to arrest the petitioners in the aforesaid case.
4. Submission of learned counsel for the petitioners is that petitioner no. 1 has already been arrested and learned counsel for the petitioners submits that petitioner no. 2 is wife of petitioner no. 1 and she has falsely implicated in the present case. He submits that petitioner no. 1 is journalist and raising his grievance in respect of factory that has been running in the middle of the society which releases polluted chemicals and is dangerous for public health therefore, present criminal prosecution has been lodged with malafide intention.
5. Per contra, learned AGA submits that petitioner no. 1 having criminal history of two cases (i) Case Crime No. 365 of 2017, under Sections 323, 354, 452, 376, 511 and 506 IPC, P.S. Modi Nagar, District Ghaziabad (ii) Case Crime No. 863 of 2014, under Section 386 and 506 IPC, P.S. Modi Nagar, District Ghaziabad and certain other sections were deleted after filing of the charge sheet. Submission is that petitioner no. 1 has criminal history and in this background where allegation is that the petitioner is extortionist by nature, cognizable offence has been made.

6. Learned AGA opposed the prayer for quashing of the FIR, which discloses cognizable offence.

7. Perusal of the impugned first information report prima facie reveals commission of cognizable offence.

8. 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.

9. Therefore, the writ petition is dismissed leaving it open for the petitioners to apply before the competent court for anticipatory bail/bail as permissible under law and in accordance with law.

Order Date :- 13.10.2023

Ujjawal