

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 15815 of 2023

Petitioner :- Sudeep Patel And 2 Others

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

Counsel for Petitioner :- S.P.S. Chauhan, Sukhendra Singh

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Shri S.P.S. Chauhan, learned counsel for the petitioners and Shri G.P. Singh, learned AGA for the State-respondents.
2. Present petition has been filed to quash the impugned FIR dated 5.8.2023 registered as Case Crime No.130 of 2023 under Section 306 IPC, P.S.-Jakhlaun, District-Lalitpur.
3. At the very outset, learned counsel for the petitioners states that petitioner No.1-Sudeep Patel has already been arrested, therefore, he does not want to press the petition on his behalf.
4. Accordingly, the petition stands dismissed insofar as petitioner No.1 is concerned.
5. In respect of other petitioner Nos. 2 and 3, submission is that the petitioners have been falsely implicated and the dispute was in respect of payment of installment of machinery, which was taken on loan. It is further submitted that when the deceased was unable to make payment of second installment of the machinery so purchased, he committed suicide. It is next submitted that there is unexplained delay of two months in lodging the first information report and prior to that the father of the deceased has lodged an application under Section 156 (3) Cr.P.C., which was allowed by the court below wherein it is submitted that there is material contradictions and that there is no such suicide note in the present case.
6. *Per contra*, learned AGA submits that every details and the reason for committing suicide have been mentioned and the accused persons have been specifically mentioned in the suicide note, which was recovered from the pocket of the deceased as per

inquest report.

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**.

Order Date :- 27.10.2023

LN Tripathi