

**Court No. - 43**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 16142 of 2023

**Petitioner :-** Shri Ram And 5 Others

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

**Counsel for Petitioner :-** Pradeep Kumar, Mohd Achhay

**Counsel for Respondent :-** G.A.

**Hon'ble Anjani Kumar Mishra, J.**

**Hon'ble Shiv Shanker Prasad, J.**

Heard learned counsel for the petitioners, learned counsel for the respondent no. 3 and learned A.G.A. for the State.

The instant writ petition seeks quashing of the FIR dated 25.08.2023 giving rise to Case Crime No. 0355 of 2023, under Sections 434 I.P.C. and Section 3/2/5 The Prevention of Damage to Public Property Act, 1984, Police Station Phoolpur, District Azamgarh.

The contention of the counsel for the petitioners is that the offences alleged in the first information report all carry a sentence of less than 7 years.

The instant petition is for quashing of the FIR. The counsel for the petitioner has not been able to produce any case law which holds that the FIR alleging as offence which carries a sentence of less than 7 years is necessarily to be quashed.

Moreover, the allegations in the first information report contain the ingredients of a cognizable offence. The first information report, therefore, can not be quashed.

Accordingly, the writ petition fails and is dismissed, without prejudice to the right of the petitioners to apply for bail/anticipatory bail.

**Order Date :-** 12.10.2023

SK Srivastava