

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 15926 of 2023

Petitioner :- Zaid

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

Counsel for Petitioner :- Diwan Saifullah Khan, Mohd Harish

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Supplementary affidavit filed today is taken on record.
2. Heard Shri Diwan Saifullah alongwith Mohd. Harish, learned counsel for the petitioner and Shri G.P. Singh, learned A.G.A for the State respondents.
3. The relief sought in this petition is for quashing of the F.I.R. dated 17.09.2023, registered as Case Crime No. 270 of 2023, under Section 3/5/8 Prevention of Cow Slaughter Act, Section 11 Animal Cruelty Act, Section 307 IPC and Section 3/25 Arms Act, Police Station Thariyaon, District Fatehpur Further prayer has been made not to arrest the petitioner in the aforesaid case.
4. Submission of the learned counsel for the petitioner is that the only allegation against the petitioner is that Truck loaded with animals belongs to the petitioner. It is further submitted that neither the petitioner has been arrested on the spot nor any arrested accused persons have named the petitioner, therefore, the impugned FIR is liable to be quashed.
5. Learned AGA opposed the petition and submits that the truck loaded with 28 animals belongs to the petitioner herein, therefore, a cognizable offence is made out. In the impugned FIR it is clearly mentioned that injured and arrested persons have named the petitioner herein. It is further submitted that the petitioner has criminal history of identical nature as such no indulgence is warranted.
6. We find substance in the argument of learned AGA. Perusal of the impugned first information report prima facie reveals commission of cognizable offence. 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. Therefore, the writ petition is dismissed.

Order Date :- 30.10.2023

Nitendra