Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 16008 of 2023

Petitioner :- Ram Darash Malviya
Respondent :- State Of U.P. And 3 Others
Counsel for Petitioner :- Ankur Vishwakarma,Nitin Sharma,Sunil Kumar Singh
Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.
Hon'ble Vinod Diwakar,J.

1. Heard Shri Nitin Sharma, learned counsel for the petitioner, Shri G.P. Singh, learned A.G.A. for the State-respondents and perused the record.

2. The relief sought in this petition is for quashing of the First Information Report dated 06.06.2023 registered as Case Crime No. 0048 of 2023, under Section 8, 20 N.D.P.S. Act, P.S. Shahganj, District Sonbhadra.

3. At the very outset both parties agreed that the charge-sheet has been submitted against all the four accused persons and the name of the petitioner has figured during investigation on the basis of their statements.

4. We find that charge-sheet against all the accused has been mentioned. The provisions of NDPS Act are involved, wherein large quantity of contraband was recovered.

5. Submission of learned counsel for the petitioner is that he has been falsely implicated. Attention was drawn to various grounds taken in the present petition, which we find are nothing but the defence of the petitioner which can not be considered for quashing the FIR, moreso when his name has figured during investigation.

6. We do not find any good ground to take a different view in the present case.

7. 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.

8. The writ petition stands **dismissed**.

Order Date :- 30.10.2023
A. Tripathi

Digitally signed by :-
AKHILESH TRIPATHI
High Court of Judicature at Allahabad