

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 15994 of 2023

Petitioner :- Shamshuddin Rain

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

Counsel for Petitioner :- Virendra Kumar Gupta, Kamal Yash Sahwal

Counsel for Respondent :- G.A., Om Prakash Mishra

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Shri Virendra Kumar Gupta, learned counsel for the petitioner, Shri Om Prakash Mishra, learned counsel for the informant, 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 impugned First Information Report dated 28.4.2022, registered as Case Crime No.139 of 2022, under Sections 147, 323, 506 IPC and 3(1) (x) of SC/ST Act, Police Station- Nauchandi, District Meerut. Further prayer has been made not to arrest the petitioner in the aforesaid case.

3. Learned A.G.A. has pointed out that the charge-sheet no.160 of 2022 has been forwarded on 15.8.2022 against the four named accused persons, namely, Satpal Pepla, Mohit Jatav, Dinesh Kajipur and Vikas Rohta, whereas the investigation is pending against the petitioner herein, who is absconding and non-bailable warrants have also been issued against him, and as such a cognizable offence is made out.

4. The petition is reported beyond time by 404 days.

5. In such view of the matter, we find substance in the arguments of learned A.G.A. that the FIR cannot be quashed in part.

6. The writ petition is devoid of merits, and is accordingly, **dismissed.**

Order Date :- 18.10.2023

Anil K. Sharma