

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 16076 of 2023

Petitioner :- Suresh Chandra Yadav

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

Counsel for Petitioner :- Phool Singh Yadav

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Phool Singh Yadav, learned counsel for the petitioner and learned A.G.A for the State respondents.
2. The relief sought in this petition is for quashing of the F.I.R. dated 21.09.2023, registered as Case Crime No. 0306 of 2023, under Sections 420, 467, 468, 471 IPC, P.S. Bhognipur, District Kanpur Dehat. Further prayer has been made not to arrest the petitioner in the aforesaid case.
3. Submission of the learned counsel for the petitioner is that the present case involves civil dispute and even a suit for declaration is pending and the petitioner has been falsely implicated due to political rivalry as the petitioner is the present village Pradhan. The allegation is being levelled that he has used forged signatures and stamps which is neither here nor there.
4. Per contra, learned AGA opposed the prayer for quashing of the FIR and pointed out that petitioner has criminal history of 24 cases which includes two cases of under Section 302 IPC, two cases under the Gangster Act and under Section 364 IPC as well and two cases of identical nature have involved in the present case and as such no indulgence is made out.

5. Perusal of the impugned first information report prima facie reveals commission of cognizable offence.

6. 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

A. Tripathi