

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 16081 of 2023

Petitioner :- Surendra Nath Awasthi

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Awadhesh Kumar Malviya

Counsel for Respondent :- G.A.,Shailesh Kumar

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Vivek Kumar Singh,J.

Heard learned counsel for the petitioner, learned counsel for the first informant and learned A.G.A. for the State.

The instant writ petition seeks quashing of the FIR dated 29.09.2023 giving rise to Case Crime No.0477 of 2023, under Sections 306, 504 I.P.C., Police Station- Kayamganj, District-Fatehgarh.

The contention of learned counsel for the petitioner is that no role has been assigned to the petitioner in the impugned F.I.R. He however, admits that there is suicide note.

Learned AGA has pointed out that the petitioner is named in the suicide note.

Upon hearing learned counsel for the parties and upon a perusal of the record, we find that the submissions made on behalf of the petitioner are his defence, which cannot be looked into while dealing with a writ petition seeking quashing of a first information report.

Moreover, the allegations made in the First Information Report clearly disclose commission of cognizable offences and the allegations are serious in nature. In any case the F.I.R. can never be quashed in part. Therefore, prayer of the petitioner to quash the First Information Report is completely misconceived and is rejected.

The writ petition is therefore dismissed, without prejudice to the right of the petitioners to apply for bail/anticipatory bail.

Order Date :- 31.10.2023

Bhanu