

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 16092 of 2023

Petitioner :- Ram Nath Verma And 2 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Pramod Kumar Singh, Chandra Prakash Tiwari

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla, J.

Hon'ble Anish Kumar Gupta, J.

1. Heard Shri Pramod Kumar Singh, learned counsel for the petitioners and Shri G.P. Singh, learned A.G.A for the State respondents.

2. The relief sought in this petition is for quashing of the F.I.R. dated 29.09.2023 registered as Case Crime No. 0475 of 2023, under Sections 147, 323, 332, 353, 427, 307 IPC, Police Station Colonelganj, District Prayagraj. 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 one FIR dated 26.09.2023 against female co-accused was lodged by one Maimuna Fatma that the accused persons have taken away cash from her purse when she was filling the deposit form in the Bank of India, Kareli Branch. It is further submitted that in respect of the same case, wife of the petitioner no.1 was taken away by the police and the police was unauthorisedly keeping her in their custody and this false FIR has been lodged without giving any details regarding time and place of the incident and therefore, the impugned first information report is based on false ground and is liable to be quashed.

4. Per contra, learned AGA opposed the petition and submits that date and place is very much clear from the impugned FIR itself as the incident had taken place outside the court of Judicial Magistrate, 4th, Allahabad and the impugned FIR was lodged on the same date i.e. on 29.09.2023 and as such a cognizable offence is made out.

5. 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.

6. The writ petition is devoid of merit and is accordingly dismissed.

Order Date :- 20.11.2023

Nitendra