

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 16174 of 2023

Petitioner :- P.R.D. Guard Kripa Shankar

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

Counsel for Petitioner :- Swarn Lata Suman

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Shiv Shanker Prasad,J.

Heard learned counsel for the petitioners, learned counsel for the respondent no. 3 and learned A.G.A. for the State.

The instant writ petition seeks quashing of the FIR dated 28.06.2023 giving rise to Case Crime No. 0063 of 2023, under Section 406 I.P.C., Police Station Chetganj, District Varanasi.

The allegation in the first information report is that a vehicle seized by the Police has been given in the supurdgi of the petitioner. However, the vehicle was taken away by the driver thereof.

It is contended by the counsel for the petitioner that despite an attempt being made by the petitioner he was unable to stop the driver for taking away the vehicle.

The submission made is the defence of the petitioner is not liable to be entertained by the Writ Court, which is seized of a writ petition which seeks quashing of the first information report .

Moreover, the allegations in the first information report contain the ingredients of a cognizable offence. The first information report, therefore, can not be quashed.

Accordingly, the writ petition fails and is dismissed, without prejudice to the right of the petitioners to apply for bail/anticipatory bail.

Order Date :- 12.10.2023

SK Srivastava