

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 16213 of 2023

Petitioner :- Ram Sajeevan

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

Counsel for Petitioner :- Rajeev Kumar Upadhyay

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Shiv Shanker Prasad,J.

1. Heard learned counsel for the petitioner and learned A.G.A. for the State.
2. The instant writ petition seeks quashing of the FIR dated 28.09.2023 giving rise to Case Crime No. 0985 of 2023, under Section 3(2)(d) & 7(1)(a)(ii) Essential Commodities Act, Police Station- Khalilabad, District- Sant Kabir Nagar.
3. Upon hearing learned counsel for the parties and upon a perusal of the record, we find that the submissions made on behalf of the petitioners are their defence, which cannot be looked into while dealing with a writ petition seeking quashing of a first information report.
4. Moreover, the allegations made in the first information report clearly disclose commission of cognizable offences and the allegations are serious in nature. Therefore, prayer of the petitioners to quash the First Information Report is completely misconceived and is rejected.
5. The writ petition is, therefore, dismissed, without prejudice to the right of the petitioner to apply for bail/anticipatory bail.

Order Date :- 13.10.2023

Himanshu