

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 16236 of 2023

Petitioner :- Dhiraj Marka @ Dhiraj Kumar

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

Counsel for Petitioner :- Chandrabhan,Ajai Kumar

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 perused the record.
2. The instant petition seeks quashing of the impugned F.I.R. dated 13.07.2023 giving rise to Case Crime No.155 of 2023, under Sections 34, 147, 148, 307, 504, 506 I.P.C., 7 CrI. Law Amendment Act and 3(2)(v) SC/ST Act, Police Station- Obra, District Sonbhadra.
3. The contention of learned counsel for the petitioner is that he is not named in the first information report.
4. In our considered opinion, since, the petitioner is not named in the first information report, he has no locus to file this writ petition.
5. In case, his name has come to light during investigation, it is evidence which may have been collected during investigation that would not render the first information report liable to challenge.
6. 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