

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 16454 of 2023

Petitioner :- Abdul Rasheed Bahar And 6 Others

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

Counsel for Petitioner :- Lalit Kumar Srivastava, Vivek Kumar Shukla

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra, J.

Hon'ble Vivek Kumar Singh, J.

1. Sri Rajesh Mishra and Sri Vinod Kumar Sharma learned Advocates have filed Vakalatnama on behalf of the first informant in the Court today and the same is taken on record.

2. Supplementary affidavit filed in the Court today is taken on record.

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

4. The instant writ petition seeks quashing of the FIR dated 04.10.2023 giving rise to Case Crime No.531 of 2023, under Sections 420, 467, 468, 447, 506, 306, 120-B I.P.C., Police Station- Dhoomanganj, District- Prayagraj.

5. The contention of the learned counsel for the petitioners is that the death of the informant husband was due to natural causes as is clear from the postmortem filed on record. It is contended that a civil suit between the parties is pending and is the basis of the belated FIR which has been lodged after two months of the death of the informant husband.

6. 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.

7. 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.

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

Order Date :- 18.10.2023

Himanshu