

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 16358 of 2023

Petitioner :- Alok Yadav

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

Counsel for Petitioner :- Sanjeev Mishra Gana,Ravi Shanker Tiwari

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Sri Ravi Shankar Tiwari, learned counsel for the petitioner and Sri Ratan Singh, learned AGA for the State.

2. This writ petition has been filed seeking quashing of the first information report dated 19.05.2023 in Case Crime no. 279 of 2023, under Section 420, 467, 468, 471, 504, 506 IPC, Police Station - Kanth, District - Shahjahanpur and for a direction that the petitioners be not arrested in pursuance of the present first information report.

3. Submission of the learned counsel for the petitioners is that the present FIR was lodged after 3 years of filing of the application under Section 156(3). However, he could not dispute that the petitioner has already filed an Anticipatory bail application before this Court bearing Criminal Misc. Anticipatory Bail Application No. 10982 of 2023 which was rejected by this Court on 5.10.2023 and thereafter co-accused Nayab Sher Khan filed Criminal Misc.Writ Petition No. 8855 of 2023 which was also dismissed by this Court on 19.7.2023. The order dated 19.7.2023 is quoted as under:-

"Heard learned counsel for the petitioner and learned AGA for the State.

The instant petition seeks quashing of the impugned F.I.R. dated 19.05.2023 giving rise to Case Crime No. 279 of 2023, under Sections 420, 467, 468, 504, 506, 471 IPC, Police Station Kant, District Shahjahanpur.

Upon hearing learned counsel for the parties, we find that submissions made on behalf of the petitioners are his defence, which cannot be looked into while dealing with a writ petition seeking quashing of a first information report.

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 petitioner to quash the First Information Report is completely misconceived and is rejected.

The writ petition is therefore dismissed, without prejudice to the right of the petitioner to apply for bail/ anticipatory bail"

5. Learned counsel for the petitioner, could not dispute that the anticipatory bail application has already been dismissed by this Court vide order dated 5.7.2023 wherein all the contentions that are being raised before this Court in the present case, have already been considered.

6. In view of this, we are not persuaded to take a different view of the matter. Therefore, the present FIR cannot be quashed. The writ petition is dismissed accordingly.

Order Date :- 28.10.2023

S.K.S.