

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 16428 of 2023

Petitioner :- Vivek Sharma @ Vivek Kumar And And Another

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

Counsel for Petitioner :- Girja Shanker Sen, Krishna Dutt Awasthi

Counsel for Respondent :- G.A., Vijendra Kant, Vishnu Murti Tripathi

Hon'ble Anjani Kumar Mishra, J.

Hon'ble Vivek Kumar Singh, 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 03.10.2023 giving rise to Case Crime No. 0493 of 2023, under Section 419, 420, 467, 468, 471, 409 IPC, Police Station- Aonla, District- Bareilly.
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 :- 17.10.2023

Himanshu