

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 16460 of 2023

Petitioner :- Aditya Dubey And Another

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

Counsel for Petitioner :- Ansar Ahmad, Sandhya Chaturvedi

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra, J.

Hon'ble Vivek Kumar Singh, J.

1. Shri Vivek Mishra, Advocate, filed his Vakalatnama in Court today on behalf of first informant. The same is taken on record.

Heard learned counsel for the petitioners and learned A.G.A. for the State.

2. The instant writ petition seeks quashing of the FIR dated 26.09.2023 giving rise to Case Crime No.0871 of 2023, under Sections 386/506 I.P.C., Police Station- Auraiya, District- Auraiya.

3. The contention of learned counsel for the petitioners is that the petitioner is only a RTI activist and that the allegations in the first information report are fabricated.

4. The FIR, on the contrary, alleges that on the basis of threats of false implication in criminal cases, extended by the petitioners Rs. 15,000/- were extracted from the informant. The allegations, therefore, constitute an offence under Section 386 IPC. The FIR cannot be quashed.

5. In any case, the writ Court while dealing with a writ petition seeking quashing of a first information report, is not required to examine the truthfulness of the allegations in the first information report which will be determined either during investigation or during trial.

6. 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

Aditya Tripathi