

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 16475 of 2023

Petitioner :- Jimmy Naqvi

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

Counsel for Petitioner :- Syed Faiz Hasnain, Ashutosh Mishra

Counsel for Respondent :- G.A., Sunil Kumar Misra

Hon'ble Anjani Kumar Mishra, J.

Hon'ble Vivek Kumar Singh, J.

1. Heard learned counsel for the petitioner, learned counsel for the first informant and learned A.G.A. for the State.
2. The instant writ petition seeks quashing of the FIR dated 16.09.2023 giving rise to Case Crime No.0782 of 2023, under Sections 498-A, 377, 342, 354-B I.P.C., Police Station- Civil Lines, District- Moradabad.
3. The contention of learned counsel for the petitioner is that the first information report is belated by 12 years and that it has been filed almost 10 years after the marriage of the first informant with Khilat Sibtain. It is also contended that the informant is having an extra marital affair and this is the reason for lodging the false FIR.
4. The allegations made in the First Information Report constitute the ingredients of a cognizable offence. Therefore, the first information report cannot be quashed. It can also not be quashed on the basis of the submissions made, which are at best the defence of the petitioner.
5. The writ petition is therefore dismissed, without prejudice to the right of the petitioners to apply for bail/anticipatory bail.
6. This order has been passed in the presence of Sh. Shailesh Pandey, Advocate, who has put in appearance in the Court on behalf of first informant.

Order Date :- 18.10.2023

Aditya Tripathi