

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 16479 of 2023

Petitioner :- Dr C Prasad @ Chauthi Prasad

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

Counsel for Petitioner :- Prem Prakash, Anurag Shukla, Sr. Advocate

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra, J.

Hon'ble Shekhar B. Saraf, 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 16.09.2022 giving rise to Case Crime No.0262 of 2023, under Section 3(1) of the U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, Police Station- Kotwali, District- Gorakhpur.
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 petitioner are his 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 petitioner 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 petitioners to apply for bail.

Order Date :- 17.11.2023

Mayank