

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 16452 of 2023

Petitioner :- Jayveer Singh

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

Counsel for Petitioner :- Neelabh Srivastava, Vijai Kumar Singh

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Vijai Kumar Singh, learned counsel for the petitioner and learned A.G.A for the State respondents.
2. The relief sought in this petition is for quashing of the F.I.R. dated 25.08.2023, registered as Case Crime No. 0246 of 2023, under Section 3/7 of Essential Commodities Act, 1955, P.S. Mirzapur, District Shahjahanpur. Further prayer has been made not to arrest the petitioner in the aforesaid case.
3. Submission of the learned counsel for the petitioner is that the petitioner has been falsely implicated and no offence is made out against the petitioner. The petitioner is running a Fair Price Shop since long to the satisfaction of the competent authorities as well as of ration card holders. There was proper distribution of essential commodities and he has been falsely implicated because of political rivalry of village Pradhan and no independent witness has been testified by the Inquiry Officer during the process of the inquiry conducted by him in the present case before lodging of the FIR.
4. Per contra, learned AGA opposed the prayer for quashing of the FIR and submitted that Supply Inspector has lodged the first

information report which discloses cognizable offence.

5. Perusal of the impugned first information report prima facie reveals commission of cognizable offence.

6. Therefore, in view of the law laid down by Hon'ble Supreme Court in the case of **State of Haryana and others vs. Bhajan Lal and others, 1992 Supp. (1) SCC 335** and **M/s Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra, AIR 2021 SC 1918** and in **Special Leave to Appeal (Crl.) No.3262/2021 (Leelavati Devi @ Leelawati & another vs. the State of Uttar Pradesh)** decided on 07.10.2021, no case has been made out for interference with the impugned first information report.

7. Therefore, the writ petition is **dismissed**.

Order Date :- 30.10.2023

A. Tripathi