

Court No. - 67

Case :- CRIMINAL MISC. WRIT PETITION No. - 16586 of 2023

Petitioner :- Bal Prasad Tiwari

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

Counsel for Petitioner :- Sanjeev Kumar Yadav, Pradeep Kumar

Counsel for Respondent :- G.A., Uma Nath Pandey

Hon'ble Rahul Chaturvedi, J.

Hon'ble Mohd. Azhar Husain Idrisi, J.

Heard Shri Sanjeev Kumar Yadav, learned counsel for the petitioner, Shri Uma Nath Pandey, learned counsel for the informant, learned A.G.A. appearing for the State-respondents and perused the record.

The petitioner, by means of this writ petition under Article 226 of the Constitution of India, have invoked the inherent jurisdiction of this Court with prayer to quash the impugned First Information Report dated 03.10.2023 registered as Case Crime No.228 of 2023, under Sections 376, 452, 506 I.P.C., Police Station Ekdil, District Etawah.

Learned counsel for the petitioner argued that the impugned F.I.R. has been lodged only to harass and implicate the petitioner. The petitioner has never agreed to sale any property to the informant. There is a litigation pending between petitioner, manager and respondent no.4 due to which the impugned F.I.R. has been lodged against the petitioner only to rope him in the present F.I.R. Further, learned counsel for the petitioner has raised a number of legal and factual aspects of the matter and submitted that the present F.I.R. may be quashed.

Upon hearing learned counsel for the parties and upon a perusal of the record, we are of the considered opinion that the cognizable offence is made out against the petitioner and there is no occasion or reason to quash the FIR in exercise of power conferred under Article 226 of the Constitution of India.

Accordingly, the prayer for quashing the FIR is declined and refused.

However, it is open for the petitioner, if so advised, they shall move proper bail application before the appropriate forum, within a week from today which shall be decided in accordance with law.

It is also made clear that the Court is not expressing any opinion on the merits of the case. The court concerned is expected to apply its robust and judicial discretion in deciding the bail application as early as possible.

With the above observation, the writ petition is **disposed of**.

Order Date :- 19.10.2023

Zafar