

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 16746 of 2023

Petitioner :- Nagendra Narayan Chaturvedi

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

Counsel for Petitioner :- Nirvikalp Pandey

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Mohd. Azhar Husain Idrisi,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 10.10.2023 giving rise to Case Crime No.0186 of 2023, under Sections 3/7 of Essential Commodities Act' 1955, Police Station- Mardah, District- Ghazipur.
3. It is contended that the petitioner is suffering from cancer which is at the advanced stage. This argument cannot be a ground for quashing of an FIR.
4. 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.
5. 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.
6. The writ petition is therefore dismissed, without prejudice to the right of the petitioner to apply for bail/anticipatory bail.

Order Date :- 27.10.2023

Himanshu