

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 16771 of 2023

Petitioner :- Shakur And 3 Others

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

Counsel for Petitioner :- Mohd. Aslam, Mohammed Shadan

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Mohd. Aslam, learned counsel for the petitioners and Shri Surendra Singh, learned A.G.A for the State respondents.

2. The relief sought in this petition is for quashing of the F.I.R. dated 20.09.2023, registered as Case Crime No. 419 of 2023, under Sections 332, 353 I.P.C., Sections 8, 21, 29 of Narcotic Drugs & Psychotropic Substances Act and Section 7 of Criminal Law Amendment Act, Police Station Behat, District Saharanpur. Further prayer has been made not to arrest the petitioners in the aforesaid case.

3. At the very outset, learned counsel for the petitioners submits that petitioner no. 1 Shakur son of Taseen has died during the investigation, therefore, the petition has become infructuous in respect of petitioner no. 1.

4. Accordingly, the petition is dismissed as abated in respect of petitioner no. 1.

5. In so far as petitioner nos. 2, 3 and 4 are concerned, the submission of learned counsel for the petitioner is that they have been falsely implicated in this case simply because they are family member and neighbour of the main accused and no offence has been committed by them.

6. Per contra, learned A.G.A. pointed out that co-accused Usmal has already been arrested and he has specifically named the petitioners.

7. We find that in the First Information Report, there is specific allegation against the petitioners and, therefore, *prima facie*

commission of a cognizable offence is made out.

8. 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.

9. The writ petition is **dismissed**.

Order Date :- 9.11.2023

Shafique