

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 16943 of 2023

Petitioner :- Smt.Jyoti Devi And 4 Others

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

Counsel for Petitioner :- Ansar Ahmad

Counsel for Respondent :- C.S.C.,Dhirendra Kumar Verma,Srawan Kumar Swarnkar

Hon'ble Vivek Kumar Birla,J.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Ansar Ahmad, learned counsel for the petitioners 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 27.9.2023, registered as Case Crime No. 673 of 2023 under Sections 363, 120B IPC, Police Station Kasganj, District Kasganj. Further prayer has been made not to arrest the petitioner in the aforesaid case.

3. Submission of the learned counsel for the petitioners is that the petitioners have been falsely implicated and no offence is made out against the petitioners. It is next submitted that with general allegations, entire family has been falsely implicated and petitioners no. 3 to 5 are only relatives and petitioner no. 1 is the victim and the main allegation is against the petitioner no. 2, therefore, clearly at least petitioners no. 3 to 5 have been falsely implicated.

4. Learned AGA opposed the prayer for quashing of the FIR, which discloses cognizable offence. It is next submitted that from perusal of the first information report it is clear that petitioner no. 1 has an illicit relationship with petitioner no. 2 and no indulgence can be granted in such a matter by this court and there are specific allegations against other petitioners as well. It is next submitted that the petitioners are trying to seek stamp of approval from this Court on illicit relationship, which cannot be permitted.

5. We find substance in the arguments of learned AGA. Perusal of the impugned first information report prima facie also 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 :- 17.11.2023
Abhishek