

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 16853 of 2023

Petitioner :- Anubhav Beniwal

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

Counsel for Petitioner :- Bakhteyar Yusuf

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Shri Bakhteyar Yusuf, learned counsel for the petitioner, Shri G.P. Singh, learned A.G.A. for the State-respondents and perused the record.
2. The relief sought in this petition is for quashing of the First Information Report dated 23.8.2023 registered as Case Crime No. 548 of 2023, under Sections 420, 467, 468, 471 406, 504 & 506 I.P.C., Police Station Bhojipura, District Bareilly.
3. Submission of the learned counsel for the petitioner is that the petitioner is not concerned with the present case. The First Information Report has lodged against the petitioner is vague as no date, time and place regarding the incident has been mentioned in the F.I.R. and the First Information Report has been lodged against the petitioner on false story made by the deceased brother of the informant and as such the present impugned F.I.R. alleging offence of fraud levelled against him, therefore, it has no legs to stand. It is next submitted that main allegations are against one Dev Singh Rana and the petitioner has been falsely implicated in the present case without his name on general allegations.
4. Per contra, learned A.G.A. submits that in paragraph 14, only two criminal offences of identical nature are disclosed and the

petitioner has criminal history of seven cases of identical in nature and, therefore, no interference is warranted as in the First Information Report. He submits that the eleven accused are mentioned in the First Information Report along with the petitioner, who are working as land *Mafia* by forming a gang is *prima facie* established.

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 :- 28.10.2023

Anurag/-