

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 17042 of 2023

Petitioner :- Urmila Devi

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

Counsel for Petitioner :- Om Prakash Singh

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 and learned A.G.A. for the State.
2. Challenge in the writ petition is to the first information report dated 26.8.2023 giving rise to Case Crime No. 0357 of 2023, under Sections 420, 365 IPC, Police Station Phoolpur, District Azamgarh.
3. Initially the writ petition came up for admission, the submission raised was that the First Information Report is concocted and, therefore, the statement of the informant had not been recorded by the police under Section 161 Cr.P.C.
4. Learned A.G.A. has submitted that the statement of the informant was recorded by the Investigating Officer on 7.9.2023 well before filing of the writ petition on 12.10.2023.
5. The next contention of the learned counsel for the petitioner is that the petitioner is the wife of the person alleged to have been kidnapped and that he is missing since long. Several reports in this regard have been filed by the petitioner.
6. The submissions that have been made by the learned counsel for the petitioner are the defence of the petitioner which is not liable to be taken into consideration while dealing with a writ petition seeking quashing of a first information report. Even otherwise, it is reported that her alleged husband and the son of the informant is missing and this is precisely what is alleged also in the impugned first information report.
7. Under the circumstances, the first information report which is

factually correct in material particulars cannot be quashed as it also contains ingredients of a cognizable offence.

8. The writ petition is, therefore, **dismissed**, without prejudice to the right of the petitioner to apply for bail/anticipatory bail.

Order Date :- 7.12.2023

M. Tarik