Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 16900 of 2023

Petitioner :- Satish Kushawah
Respondent :- State Of U.P. And 3 Others
Counsel for Petitioner :- Atul Kumar Tiwari
Counsel for Respondent :- G.A.

Hon'ble Ashwani Kumar Mishra,J.
Hon'ble Syed Aftab Husain Rizvi,J.

Although prayer made in this writ petition is to quash the First Information Report in Case Crime No.0123 of 2023, under Sections 406, 504, 506 IPC, Police Station Jaspura, District Banda but at the time when the matter is taken up learned counsel for the petitioners confines his relief in this writ petition to grant of protection under Section 41-A of Criminal Procedure Code.

We have perused the First Information Report, which prima facie discloses commissioning of cognizable offence and, therefore the prayer made to quash the F.I.R. otherwise cannot be entertained in view of the law laid down by the Supreme Court in the case of State of Telangana vs. Habib Abdullah Jellani, (2017) 2 SCC 779 and Neeharika Infrastructure Pvt. Ltd. vs.State of Maharashtra and others; (2021) SCC Online SC 315.

It is, however, provided that in the event provisions of Section 41-A of the Code of Criminal Procedure are attracted in the facts of the case, the authorities shall ensure its compliance.

Subject to observations made above, this petition is consigned to records.

Order Date :- 2.12.2023
Ashok Kr.

Digitally signed by :-
ASHOK KUMAR
High Court of Judicature at Allahabad