

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 16975 of 2023

Petitioner :- Anil Kumar Singh And Another

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

Counsel for Petitioner :- Archana Singh, Shreeprakash Singh

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra, J.

Hon'ble Vivek Kumar Singh, J.

1. Heard learned counsel for the petitioner, learned counsel for the first informant and learned A.G.A. for the State.

2. The instant writ petition seeks quashing of the FIR dated 14.10.2023 giving rise to Case Crime No.0326 of 2023, under Sections 419, 420, 406, 467, 468, 471 IPC, Police Station- Sarai Khawaja, District- Jaunpur.

3. The contention of the learned counsel for the petitioners is that offence under Section 467 IPC is not made out and that all other offences carries a sentence of less than seven years.

4. Even if the contention of learned counsel for the petitioner is accepted in its entirety the fact remains that the FIR does contain the ingredients of cognizable offence. There is no law which provides that the first information report in a case which carries sentence of less than seven years has to be quashed as a matter of right.

5. In view of the above, the allegation in the first information report do contain ingredients of a cognizable offence and even it is accepted that no offence under Section 467 IPC is disclosed yet the first information report cannot be quashed. Therefore, prayer of the petitioner to quash the First Information Report is completely misconceived and is rejected.

6. The writ petition is therefore dismissed.

Order Date :- 30.10.2023

Himanshu