

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 17080 of 2023

Petitioner :- Nuruddin Ansari

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

Counsel for Petitioner :- Mohammad Waseem

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Vivek Kumar Singh,J.

Heard learned counsel for the petitioner and learned A.G.A. for the State.

The instant writ petition seeks quashing of the FIR dated 15.9.2023 giving rise to Case Crime No.0113 of 2023, under Section 3(1) of the Uttar Pradesh Gangster and Anti Social Activities (Prevention) Act, 1986 I.P.C., Police Station- Naugarh, District- Chandauli.

The contention of the counsel for the petitioner is that Rule 16(3) of Act has not been complied with. Reliance in this regard is made paragraph no.15 of the writ petition, however, interestingly this paragraph has been sworn on the basis of legal advice.

Upon hearing learned counsel for the parties and upon a perusal of the record, we find that the submissions made on behalf of the petitioner are his defence, which cannot be looked into while dealing with a writ petition seeking quashing of a first information report.

Moreover, the allegations made in the First Information Report clearly disclose commission of cognizable offences and the allegations are serious in nature. Therefore, prayer of the petitioner to quash the First Information Report is completely misconceived and is rejected.

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

Order Date :- 1.11.2023

Dev/-