

Court No. - 67

Case :- CRIMINAL MISC. WRIT PETITION No. - 17002 of 2023

Petitioner :- Islam Jahur @ Mohd. Ahmad And 2 Others

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

Counsel for Petitioner :- Ravi Kumar Mishra

Counsel for Respondent :- G.A., Yash Garg

Hon'ble Rahul Chaturvedi, J.

Hon'ble Mohd. Azhar Husain Idrisi, J.

Heard Sri Ravi Kumar Mishra, learned counsel for the petitioners, Sri Yash Garg, learned counsel for the opposite party no. 2 and the learned A.G.A.

By means of this writ petition under Article 226 of the Constitution of India, the petitioners are assailing the legality and validity of the FIR dated 23.9.2023 registered as Case Crime No. 374 of 2023, under Sections 504, 506, 406, 420, 467, 468, 120-B IPC, Police Station Khandauli, District Agra.

Upon hearing learned counsel for the parties and upon a perusal of the record, we are of the considered opinion that the cognizable offence is made out against the petitioners and there is no occasion or reason to quash the FIR in exercise of power conferred under Article 226 of the Constitution of India.

Accordingly, the prayer for quashing the FIR is declined and refused.

However, it is open for the petitioners, if so advised, they shall move proper anticipatory bail application before the appropriate forum, within fifteen days from today.

It is also made clear that the Court is not expressing any opinion on the merits of the case. The court concerned is expected to apply its robust and judicial discretion in deciding the anticipatory bail application as early as possible.

With the above observation, the writ petition is **disposed of**.

Order Date :- 31.10.2023

M. Tarik