

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 17153 of 2023

Petitioner :- Nabi Mohammad @ Nabiya

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

Counsel for Petitioner :- Javed Khan

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Vivek Kumar Singh,J.

1. Case called out in the revised list.
2. None is appeared to press this petitioner.
3. Learned AGA states that the petitioner is not named in the FIR.
4. The instant petition seeks quashing of the impugned F.I.R. dated 16.08.2022 giving rise to Case Crime No. 305 of 2022, under Section 454, 380, 411 IPC, Police Station Gulawati, District Bulandshahr.
5. The contention of learned counsel for the petitioner is that he is not named in the first information report.
6. In our considered opinion, since, the petitioner is not named in the first information report, he has no locus to file this writ petition.
7. In case, his name has come to light during investigation, it is evidence which may have been collected during investigation that would not render the first information report liable to challenge.
8. The writ petition is therefore **dismissed**, without prejudice to the right of the petitioner to apply for bail/ anticipatory bail.

Order Date :- 2.11.2023

Md Faisal