

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 17266 of 2023

Petitioner :- Nazim

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Rajiv Sisodia, Virendra Singh Tomar

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Sri Danish, Advocate, holding brief of Sri Rajiv Sisodia, learned counsel for the petitioner as well as learned A.G.A. for the State respondents.

2. The present writ petition has been preferred with the prayer to quash the impugned First Information Report dated 05.10.2023 registered as Case Crime No. 556 of 2023, under Sections 354(a), 326, 506 IPC, P.S. Seohara, District Bijnor, and for a direction to the respondents not to arrest the petitioner in pursuance of impugned First Information Report.

3. Submission of learned counsel for the petitioner is that no such incident has taken place and the petitioner has been falsely implicated in the present case due to some personal dispute.

4. Per contra, learned AGA submitted that cognizable offence has been made out as vital part knife injury is clearly reflected in the F.I.R. as well as in the injury report.

5. From perusal of the record, we find that the allegations leveled against the petitioner are of serious nature and a cognizable offence is made out. Therefore, in view of the law laid down by Hon'ble Supreme Court in the case of ***State of Haryana and others vs. Bhajan Lal and others, 1992 Supp. (1) SCC 335 and M/s Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra, AIR 2021 SC 1918 and in Special Leave to Appeal (Crl.) No.3262/2021 (Leelavati Devi @ Leelawati & another vs. the State of Uttar Pradesh) decided on 07.10.2021***, no case has been made out for interference with the impugned first information report.

6. Present petition is accordingly **dismissed**.

Order Date :- 3.11.2023/Vibha