

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 17817 of 2023

Petitioner :- Daybar And 2 Others

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

Counsel for Petitioner :- Gunja Kanogiya, Shiv Lal

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla, J.

Hon'ble Manish Kumar Nigam, J.

1. Heard Sri Shiv Lal, learned counsel for the petitioners and Sri Rajesh Kumar, learned State Law Officer, for the State respondents.

2. The relief sought in this petition is for quashing of the F.I.R., registered as Case Crime No. 357 of 2023, under Section 379 IPC, Police Station Meja, District Prayagraj. Further prayer has been made not to arrest the petitioners in the aforesaid case.

3. Submission of the learned counsel for the petitioners is that no offence is made out against the petitioners. The petitioners are falsely implicated in the present case. From the possession of the petitioners, nothing has been recovered and they have been implicated only on the confessional statement of co-accused.

4. Per contra, learned State Law Officer submitted that one Vijay Shankar has already been arrested and recovery has also been made and he has clearly named the petitioners herein who were involved in the alleged incident, and as such cognizable offence has been made out against the petitioners.

5. Perusal of the impugned first information report prima facie reveals commission of cognizable offence.

6. 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.

7. Accordingly, the writ petition stands **dismissed**.

Order Date :- 16.11.2023

Ved Prakash