

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 17485 of 2023

Petitioner :- Shanti And 2 Others

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

Counsel for Petitioner :- Janardan Yadav

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Vivek Kumar Singh,J.

1. Supplementary affidavit filed today is taken on record.
2. Heard learned counsel for the petitioners, learned counsel for the informant and learned A.G.A. for the State.
3. The instant writ petition seeks quashing of the FIR dated 16.10.2023 giving rise to Case Crime No. 0270 of 2023, under Sections 420, 467, 468 I.P.C., Police Station- Kaptanganj, District- Azamgarh.
4. The contention of the learned counsel for the petitioners is that petitioners are ladies and their names were wrongly recorded over certain land which does not belong to them. The entries were by mistake and that the petitioners had no concern with the entries or the land entered in their name.
5. Upon hearing learned counsel for the parties and upon a perusal of the record, we find that petitioners were beneficiaries for illegal entries in the revenue record, hence, submissions on behalf of the petitioners are their defence, which cannot be looked into while dealing with a writ petition seeking quashing of a first information report.
6. Moreover, the allegations made in the First Information Report contains ingredients of cognizable offence, the first information report cannot be quashed. Therefore, prayer of the petitioners to quash the First Information Report is completely misconceived and is rejected.
7. The writ petition is therefore dismissed, without prejudice to the right of the petitioners to apply for bail/anticipatory bail.

Order Date :- 8.11.2023

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