

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 17378 of 2023

Petitioner :- Upendra Kumar @ Pankaj

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

Counsel for Petitioner :- Sarvesh

Counsel for Respondent :- G.A.

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Syed Aftab Husain Rizvi,J.

This petition has been filed with the prayer to quash the First Information Report in Case Crime No.468 of 2023 under Sections 420, 384, 389, 120B IPC, Police Station Kalyanpur, District Kanpur Nagar wherein allegation is that a married lady had been misrepresenting her status and entering into relationship with others with the object of blackmailing such persons later. A group of persons are involved and reference has been given to various cases in that regard. Allegation in that regard is also made against the petitioner.

Learned counsel for the petitioner states that the allegations against the petitioner are absolutely false and the FIR itself has been lodged against the informant of Case Crime No.73 of 2023.

Question as to whether allegations made in the FIR are correct or not need not be commented upon at the threshold, particularly when specific allegations with regard to commissioning of cognizable offence is otherwise disclosed. We are not required to examine the defence of the petitioner or to comment upon the merits of the case set up in the FIR. What exactly is the role of the petitioner is to be determined at the stage of investigation and we are not required to comment upon it, at this stage. Since prima facie allegation with regard to commissioning of cognizable offence are disclosed, we decline to entertain the present petition filed with the prayer to quash the FIR.

Dismissal of this petition, however, will not preclude the petitioner from seeking appropriate protection under the Code of Criminal Procedure which shall be independently dealt with on its own merits and in accordance with law.

Order Date :- 4.12.2023

RA