

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 18129 of 2023

Petitioner :- Sonu

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

Counsel for Petitioner :- Anand Kumar Srivastava

Counsel for Respondent :- G.A.,Virendra Jaiswal

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard learned counsel for the petitioner and learned A.G.A. for the State.
2. The instant writ petition seeks quashing of the FIR dated 27.9.2023 giving rise to Case Crime No. 275 of 2023, under Sections 452, 323, 504, 506, 509 I.P.C., Police Station- Siroli, District- Bareilly.
3. The contention of the learned counsel for the petitioner is that the police is harassing the petitioner continuously.
4. In the regard, the counsel for the informant has drawn the attention of the Court to paragraph '14' of the writ petition, which reads as follows:-

"14. That even the offence, which alleged committed by petitioner, is not more than punishable 7 years but the police of police station concerned despite serving notice under section 41-A of Cr.P.C. to record the statement of petitioner continuously are regularly raiding the house of petitioner as well as his relative to arrest him pursuant to first information report impugned in the political influence of respondent no. 3 as such the petitioner to save skin of him from the clutches of police of police station concerned wandering here and there."
5. In our considered opinion, the averment in paragraph '14' is that a notice under Section 41-A Cr.P.C. has already been served upon the petitioner.
6. Under the circumstances, it is manifest that the petitioner is not cooperating in the investigation.
7. For this reason alone, the petitioner is not entitled to any

protection.

8. The writ petition is, therefore, dismissed, without prejudice to the right of the petitioner to apply for bail/ anticipatory bail.

Order Date :- 22.11.2023

Brijesh