Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 17709 of 2023

Petitioner :- Irshad Ahmad
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Prabhakar Dubey
Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.
Hon'ble Vivek Kumar Singh,J.

Heard learned counsel for the petitioner and learned A.G.A. for the State.

The instant writ petition seeks quashing of the FIR dated 05.10.2023 giving rise to Case Crime No. 278 of 2023, under Sections 3 (1) U.P. Gangster Act, Police Station- Pateharwa, District- Kushi Nagar.

Upon hearing learned counsel for the parties and upon a perusal of the record, we find that the submissions made on behalf of the petitioner are his defence, which cannot be looked into while dealing with a writ petition seeking quashing of a first information report.

Moreover, the allegations made in the First Information Report clearly disclose commission of cognizable offences and the allegations are serious in nature. Therefore, prayer of the petitioner to quash the First Information Report is completely misconceived and is rejected.

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

Order Date :- 9.11.2023
Jaswant

Digitally signed by :-
JASWANT KUMAR
High Court of Judicature at Allahabad