

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 17740 of 2023

Petitioner :- Manohar Singh And 3 Others

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

Counsel for Petitioner :- Rahul Yadav

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Shri Rahul Yadav, learned counsel for the petitioners and Shri G.P. Singh, learned A.G.A for the State respondents.

2. The relief sought in this petition is for quashing of the F.I.R. dated 31.03.2023, registered as Case Crime No. 0206 of 2023, under Sections 420, 419, 467, 468, 471, 447, 323, 504, 506, 307, 392, 427, 352 I.P.C., Police Station Banda, District Shahjahanpur. Further prayer has been made not to arrest the petitioners in the aforesaid case.

3. Learned counsel for the petitioners has fairly admitted that petitioner no. 1-Manohar Singh and petitioner no. 2- Seetaram have already been arrested and, therefore, the petition may have become infructuous in so far as petitioner nos. 1 and 2 are concerned. He has to argue the matter on merits on behalf of petitioner nos. 3 and 4.

4. At this stage, learned A.G.A. pointed out that the remaining petitioners namely petitioner no. 3- Vijay Bahadur and petitioner no. 4-Mahesh Chandra are absconding and they are not cooperating in the investigation.

5. On careful reading of the First Information Report, we find that a cognizable offence is made out and there is also a reference of earlier criminal cases registered against the petitioners.

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. The writ petition is **dismissed**.

Order Date :- 22.11.2023

Shafique