

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 17471 of 2023

Petitioner :- Smt.Mithilesh Nigam

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

Counsel for Petitioner :- Deepak Kumar Pandey,Rakesh Kumar Pandey

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Vivek Kumar Singh,J.

1. Heard learned counsel for the petitioners, learned counsel for the informant and learned A.G.A. for the State.
2. The instant writ petition seeks quashing of the FIR dated 18.10.2023 giving rise to Case Crime No. 0224 of 2023, under Sections 353, 332, 342, 392, 307 and 120-B I.P.C., Police Station- Mataudh, District- Banda.
3. The contention of the learned counsel for the petitioner is that he is owner of the vehicle which has been seized on the ground that it was carrying illegally mined sand. It is also submitted that first information report alleges that requisite documents were not produced by the driver of the truck at the time of its inspection. Relevant documents regarding transportation of sand etc have been filed alongwith the writ petition.
4. Upon hearing learned counsel for the parties and upon a perusal of the record, we find that the documents that have been filed are the documents in defence of the petitioner. A writ petition considering quashing of a first information report is not required to consider the defence of the accused and all that is required to be considered as whether the allegations in first information report contains ingredients of the cognizable offence or not.
5. However, the allegations made in the First Information Report contains ingredients of cognizable offence, the first information report cannot be quashed. Therefore, prayer of the petitioner to quash the First Information Report is completely misconceived and is rejected.
6. The writ petition is therefore dismissed, without prejudice to the right of the petitioner to apply for bail/anticipatory bail.

Order Date :- 8.11.2023/SY