

Court No. - 67

Case :- CRIMINAL MISC. WRIT PETITION No. - 17937 of 2023

Petitioner :- Shahnawaj Khan And 2 Others

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

Counsel for Petitioner :- Vishwa Nath Pandey, Saroj Kumar Dubey

Counsel for Respondent :- G.A.

Hon'ble Rahul Chaturvedi, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard learned counsel for the petitioners and learned learned A.G.A. for the State.

2. By means of the present petition, the petitioners are assailing the legality and validity of the FIR dated 29.10.2023 registered as Case Crime No.0368 of 2023 under section 419, 420, 467, 468, 471, 504, 506, 406 IPC, Police station-Tiwaripur, District-Gorakhpur.

3. After plain reading of the entire FIR, we are of the considered opinion that prima facie offence is made out against the petitioner and there is no reason or occasion to quash the FIR in exercise of power under Article 226 of the Constitution of India. Hence, the prayer for quashing the FIR is hereby declined. However, if so advised, the petitioner may approach the court concerned by filing anticipatory bail within next ten days from today and if such an application is moved, learned court concerned is expected to apply its robust judicial discretion in deciding the anticipatory bail at the earliest.

3. Till the disposal of the anticipatory bail, the interest of the petitioners is protected. It is incumbent upon the petitioners to apply for anticipatory bail latest by 30.11.2023.

4. With this observation, the present writ petition is hereby disposed of.

Order Date :- 20.11.2023

Abhishek Gupta