

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 17781 of 2023

Petitioner :- Shree Krishna @ Kanahiya And 3 Others

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

Counsel for Petitioner :- Ajay Kumar Jagdish

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Manish Kumar Nigam,J.

1. Heard Shri Ajay Kumar Jagdish, learned counsel for the petitioners, Shri K.S. Srivastava, learned counsel for the informant whose Vakalatnama filed today, is taken on record and Shri Ratan 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 28.09.2023, registered as Case Crime No. 796 of 2023, under Sections 427, 504, 307 IPC, Police Station Kurawali, District Mainpuri. Further prayer has been made not to arrest the petitioners in the aforesaid case.

3. Submission of the learned counsel for the petitioners is that the petitioners have been falsely implicated in the present case just to harass them and no offence as alleged has been made out against them. Background of the lodging of such false prosecution is a dispute in respect of a piece of land. It is submitted that the respondent no.3 is the co-sharer of the land in question and on the earlier occasion also one FIR was lodged.

4. Learned counsel for the informant as well as learned AGA opposed the prayer for quashing of the FIR, which discloses cognizable offence.

5. We find that the grounds taken by the petitioners are nothing but the defence of the petitioners which cannot be considered for purpose of quashing of the impugned First Information Report. Perusal of the impugned first information report prima facie reveals commission of cognizable offence. 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.

6. The writ petition is devoid of merit and is accordingly dismissed.

Order Date :- 16.11.2023

Nitendra