

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 17888 of 2023

Petitioner :- Ramnath And 3 Others

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

Counsel for Petitioner :- Syed Imran Ibrahim, Gaurav Tripathi

Counsel for Respondent :- G.A., Om Prakash Yadav, Sanjay Kr. Srivastava

Hon'ble Vivek Kumar Birla, J.

Hon'ble Anish Kumar Gupta, J.

1. Stamp reporter has reported the delay of 690 days in filing the present petition.
2. Sri Ashish Kumar Singh, Advocate has filed *Vakalatnama* on behalf of respondent no.3, which is taken on record.
3. Heard Sri Syed Imran Ibrahim, learned counsel for the petitioners, Sri Ashish Kumar Singh, learned counsel for respondent no.3 and Sri Vikas Sahai, learned A.G.A for the State respondents.
4. The relief sought in this petition is for quashing of the F.I.R. dated 18.09.2021 registered as Case Crime No.294 of 2021, under Sections 395, 307, 354-B, 323, 506 IPC, Police Station Aliganj, District Etah and for a further direction to the police not to arrest the petitioners in the aforesaid case.
5. Submission of learned counsel for the petitioners is that petitioners have been falsely implicated in the present case and initially a closure report was filed on the ground that the first informant was missing and was not co-operating in the investigation. However, subsequently the first informant had come back and the proceeding has been started. It is submitted that the present criminal prosecution is patently misconceived and is an outcome of political rivalry, as the petitioners belong to an opposition political party.
6. Per contra, learned A.G.A. submits that a bare reading of the first information report clearly makes out a cognizable offence and heinous offence under Section 395 I.P.C. and Section 307 I.P.C. is also made out. There had been use of illegal firearms and firing had taken place. It was also pointed out that the petitioners have filed anticipatory bail application which was

allowed by this Court against which the State filed a Special Appeal before the Apex Court, which was ultimately allowed. It is submitted that the petitioners did not get notice of the Special Appeal. However, the fact remains is that the anticipatory bail granted by this Court stands canceled vide order dated 18.09.2023 passed by the Apex Court passed in the Special Appeal.

7. We have gone through the first information report and find that the cognizable offence is made out and additionally on perusal of paragraph 53 of the petition, we find that petitioner no.1 has criminal history of twenty cases which includes heinous offences like Section 395, 396 I.P.C. as well apart from other heinous offences, petitioner no.2 has also criminal history of seven cases, petitioner no.3 has criminal history of seven cases and petitioner no.4 has criminal history of twenty one cases.

8. In this background and on perusal of first information report, we find that the cognizable offence is made out. Therefore, in the light of ***State of Haryana and others vs. Bhajan Lal and others, 1992 Supp. (1) SCC 335***, no interference is warranted with the impugned First Information Report.

9. Accordingly, the present petition is devoid of merit and is **dismissed**.

Order Date :- 17.11.2023

Atul