

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 17970 of 2023

Petitioner :- Smt Beena Srivastava And 2 Others

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

Counsel for Petitioner :- Dr. C.P. Upadhyay

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard learned counsel for the petitioners and learned A.G.A. for the State and perused the record.
2. The instant petition seeks quashing of the impugned F.I.R. dated 17.02.2016 giving rise to Case Crime No. 88 of 2016, under Sections 147, 148, 149, 307, 392, 427, 323, 504, 506 IPC, Police Station- Shahpur, District- Gorakhpur.
3. It is submitted that the dispute is a civil dispute and that the name of the petitioners has cropped up after an order for further investigation was passed rejecting the final report submitted by the police.
4. Be that as it may, the petitioners are not named in the first information report impugned.
5. In our considered opinion, since, the petitioners are not named in the first information report, they have no locus to file this writ petition challenging it.
6. In case, their names have come to light during investigation, it is evidence which may have been collected during investigation that would not render the first information report liable to challenge.
7. The writ petition is therefore dismissed, without prejudice to the right of the petitioners to apply for bail/ anticipatory bail.

Order Date :- 20.11.2023

Aditya Tripathi