

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 18040 of 2023

Petitioner :- Ritesh Maurya

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

Counsel for Petitioner :- Deepak Kashinath Dubey

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Shri Deepak Kashinath Dubey, learned counsel for the petitioner and Shri Vivek Shukla, learned A.G.A for the State respondents.
2. The relief sought in this petition is for quashing of the F.I.R. dated 21.11.2022, registered as Case Crime No. 0363 of 2022, under Sections 419, 420, 467, 468, 406, 323, 504, 506, 427, and 379 IPC, Police Station Madiyahu, District Jaunpur. Further prayer has been made not to arrest the petitioner in the aforesaid case.
3. Learned counsel for the petitioner by drawing attention to the order dated 24.03.2023 passed in Criminal Misc. Writ Petition No. 1281 of 2023 (Vinay Kumar Maurya vs. State of U.P. and 2 others) is that the interim protection has been granted to co-accused Vinay Kumar Maurya and arguments of counsel for the petitioner is identical as raised in the aforesaid petition.
4. Learned AGA on instructions pointed out the charge sheet no. A/159 of 2023 has already been forwarded on 26.07.2023 against co-accused Vinay Kumar Maurya whose reference has been made by learned counsel for the petitioner and as such no protection can be granted and name of Lokeesh Kumar Tripathi has been exonerated. However, we find that offences that alleged to have been committed in the impugned FIR, the charge sheet cannot be quashed in part.
5. Perusal of the impugned first information report prima facie reveals commission of cognizable offence.

6. Thus, 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.

7. The present petition is dismissed

Order Date :- 22.11.2023

Ujjawal