

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 18165 of 2023

Petitioner :- Mohd. Zeesan And 2 Others

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

Counsel for Petitioner :- Rajesh Dutta Pandey, Anjani Kumar Mishra

Counsel for Respondent :- G.A., Ashish Gupta

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Aftab Husain Rizvi, J.

1. Heard learned counsel for the petitioner and Sri Ashish Gupta, learned counsel for the informant.
2. Although prayer made in this writ petition is to quash the First Information Report registered as Case Crime No.128 of 2023, under Sections 147, 148, 149, 452, 354Ka, 354Kha, 352, 323, 504, 506, 448 IPC, Police Station Kotwali, District Commissionerate Prayagraj, but at the time when the matter is taken up learned counsel for the petitioner confines his relief to grant of protection under section 41-A of Code of Criminal Procedure.
3. We have perused the First Information Report, which prima facie discloses commissioning of cognizable offence and, therefore, the prayer made to quash the First Information Report otherwise cannot be entertained in view of the law laid down by the Supreme Court in the case of State of **Telangana Vs. Habib Abdullah Jellani, (2017) 2 SCC 779** and **Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and Others, (2021) SCC Online SC 315**. Prayer made in that regard is, therefore, declined.
4. It is, however, provided that in the event provisions of Section 41-A of the Code of Criminal Procedure are attracted in the facts of the case, the authorities concerned shall ensure its compliance.
5. Subject to the observations made above, this writ petition is **consigned to records.**

Order Date :- 4.12.2023

Kumar Manish.