

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 18101 of 2023

Petitioner :- Golu Singh Alias Rajan

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

Counsel for Petitioner :- Girish Kumar Gupta, Santosh Kumar Sharma

Counsel for Respondent :- G.A.

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Aftab Husain Rizvi, J.

This petition has been filed challenging the first information report in Case Crime No.187 of 2023 under Sections 8, 20 N.D.P.S. Act and Sections 420, 467, 468, 471 I.P.C., Police Station-Robertsganj, District- Sonbhadra, wherein the allegation is that huge quantity of contraband (ganja) has been recovered from a vehicle, in which various persons were sitting. One of the accused apparently has confessed that the material was being taken to the petitioner. The F.I.R. is challenged on the ground that petitioner has no role to play in the matter and his implication is an abuse of the process of law.

Learned AGA has opposed the prayer made by learned counsel for the petitioner.

The limited scope for exercise of jurisdiction under Section 226 of the Constitution of India is to ascertain as to whether any cognizable offence is disclosed in the first information report. Correctness or, otherwise, of the allegation or the defence of the accused is not required to be examined at this stage nor the F.I.R. can be quashed on such grounds. What exactly is the role of the petitioner is an aspect to be examined at the stage of investigation. Since prima facie allegation, constituting cognizable offence in the F.I.R. is disclosed, we decline the prayer made in the writ petition to quash the F.I.R.

Accordingly, the writ petition is **dismissed**.

Order Date :- 22.11.2023

SP/-