Court No. - 46
Case :- CRIMINAL MISC. WRIT PETITION No. - 18211 of 2023
Petitioner :- Avdhesh @ Ballu Yadav
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Rudra Pratap Singh
Counsel for Respondent :- G.A.

Hon'ble Ashwani Kumar Mishra,J.
Hon'ble Syed Aftab Husain Rizvi,J.

Heard learned counsel for the petitioner and learned AGA for the State.

This writ petition has been filed with a prayer to quash the FIR dated 08.11.2023 registered as case crime no.246 of 2023, under sections 419, 420, 467, 468, 471 IPC and 66 (D) of I.T. Act, P.S. Obra, District Sonbhadra on the ground that no evidence has been collected against the petitioner and that the lodgement of the FIR by the police is an abuse of the process of law.

The petition is opposed by learned AGA.

We have perused the FIR which contains the allegations with regard to fabrication of form MM 11 for illegal transportation of mines and minerals. Certain persons have been arrested and the complicity of petitioners have surfaced on the confessional statement of other persons.

The defence of the petitioner in that regard is not required to be examined by us at this stage. Whether the petitioner has been arrested or not would not be determinative of the facts in that regard. Since prima-facie allegations are clearly made with regard to commissioning of the offence, the prayer made in the petition to quash the FIR is declined.

Accordingly, the writ petition is dismissed.

Order Date :- 1.12.2023

C. MANI

Digitally signed by :-
CHANDRAMANI VERMA
High Court of Judicature at Allahabad