

**Court No. - 45**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 18319 of 2023

**Petitioner :-** Buddha Singh And 2 Others

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

**Counsel for Petitioner :-** Ajay Kumar Jagdish

**Counsel for Respondent :-** G.A.,Amit Daga,Mayank

**Hon'ble Vivek Kumar Birla,J.**

**Hon'ble Vinod Diwakar,J.**

1. Heard Shri Ajay Kumar Jagdish, learned counsel for the petitioners, Shri Amit Daga, learned counsel for the informant and Shri G.P. Singh, learned A.G.A for the State respondents.
2. The relief sought in this petition is for quashing of the F.I.R. dated 01.11.2023 registered as Case Crime No. 0468 of 2023 under Sections 380, 457, 411 IPC, Police Station Baldev, District Mathura. Further prayer has been made not to arrest the petitioner in the aforesaid case.
3. Submission of the learned counsel for the petitioners is that the present FIR has been lodged as a counter blast only to pressurize the petitioners to compromise case crime no.096 of 2023 and only for this reason they have been falsely implicated in the present case due to personal enmity and they have not committed any crime whatsoever.
4. While entertaining the present writ petition vide order dated 02.12.2023 it was noticed that the counsel for the informant had stated that some of the stolen articles have been recovered from the co-accused persons. Therefore, instructions were called for from learned AGA.
5. Learned AGA on instructions submitted that stolen articles have been recovered from co-accused persons, therefore, a cognizable offence is made out. It is further submitted that petitioner no.1- Buddha Singh has criminal history of four cases, petitioner no.2- Pooran Singh has criminal history of two cases and petitioner no.3- Karan Singh has criminal history of three cases.
6. Perusal of the impugned first information report *prima facie*

reveals commission of cognizable offence. Therefore, 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 writ petition is devoid of merit and is accordingly dismissed.

**Order Date :- 14.12.2023**

Nitendra