

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 18474 of 2023

Petitioner :- Mohd. Gaus

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

Counsel for Petitioner :- Atul Srivastava, Mohd. Farooq

Counsel for Respondent :- G.A., Danish Haidar, Mahmudul Hasan

Hon'ble Anjani Kumar Mishra, J.

Hon'ble Arun Kumar Singh Deshwal, J.

1. Heard learned counsel for the petitioner and learned A.G.A. for the State and perused the record.
2. The instant petition seeks quashing of the impugned F.I.R. dated 27.06.2023 giving rise to Case Crime No. 127 of 2023, under Sections 498-A, 323, 504, 342 IPC and Section 3/4 of D.P. Act, Police Station Khuldabad, District Prayagraj.
3. The contention of learned counsel for the petitioner is that he is not named in the first information report.
4. In our considered opinion, since, the petitioner is not named in the first information report, he has no locus to file this writ petition.
5. In case, his name has come to light during investigation, it is evidence which may have been collected during investigation that would not render the first information report liable to challenge.
6. The writ petition is therefore ***dismissed***, without prejudice to the right of the petitioner to apply for bail/ anticipatory bail.

Order Date :- 11.12.2023

Anjali