

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 18607 of 2023

Petitioner :- Pravesh And Another

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Raghvendra Prakash

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Shri Raghvendra Prakash, learned counsel for the petitioners 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 27.07.2023, registered as Case Crime No. 0368 of 2023, under Sections 306, 504, 34 I.P.C. and Section 3(1)(r), 3(1)(s), 3(2)(v) of SC/ST Act, Police Station Mubarakpur, District Azamgarh. Further prayer has been made not to arrest the petitioners in the aforesaid case.

3. Submission of learned counsel for the petitioners is that the petitioners have no concerned with the offence and no motives have been attributed to the petitioners and they have been falsely implicated. It is submitted that the postmortem report indicates that the suicide has been committed and during course of investigation, Section 302 I.P.C. was converted into Section 306 I.P.C. Submission therefore is that the impugned FIR is liable to be quashed.

4. *Per contra*, learned A.G.A. submits that one accused Sarvjeet has already been arrested and identical roles have been assigned to all the accused persons and fair investigation is already being conducted as during course of investigation Section 302 I.P.C. has been converted into Section 306 I.P.C. and unnatural death had taken place. Therefore, no case for quashing of the FIR is made out.

5. We find substance in the argument A.G.A. Perusal of the impugned First Information Report prima facie reveals commission of cognizable offence.

6. 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. Therefore, the writ petition is **dismissed**.

Order Date :- 30.11.2023

Shafique