Court No. - 67

Case :- CRIMINAL MISC. WRIT PETITION No. - 18469 of 2023

Petitioner :- Dheeraj Sarkari
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Ashwani Kumar Pathak
Counsel for Respondent :- G.A.

Hon'ble Rahul Chaturvedi,J.
Hon'ble Mohd. Azhar Husain Idrisi,J.

Heard learned counsel for the petitioner, learned A.G.A. appearing for the State-respondents and perused the record.

The petitioner, by means of this writ petition under Article 226 of the Constitution of India, have invoked the inherent jurisdiction of this Court with prayer to quash the impugned First Information Report dated 06.11.2023 registered as Case Crime No. 0373 of 2023, under Sections 419, 420, 467, 468, 409 I.P.C., Police Station Kotwali, District Gorakhpur.

Learned counsel for the petitioner has raised a number of legal and factual aspects of the matter.

Upon hearing learned counsel for the parties and upon a perusal of the record, we are of the considered opinion that the cognizable offence is made out against the petitioner and there is no occasion or reason to quash the FIR in exercise of power conferred under Article 226 of the Constitution of India.

Accordingly, the prayer for quashing the FIR is declined and refused.

However, it is open for the petitioners, if so advised, he shall move proper anticipatory bail application before the appropriate forum, within ten days from today which shall be decided in accordance with law.

It is also made clear that the Court is not expressing any opinion on the merits of the case. The court concerned is expected to apply its robust and judicial discretion in deciding the anticipatory bail application as early as possible.

With the above observation, the writ petition is **disposed of**.

Order Date :- 28.11.2023
Rmk.

Digitally signed by :-
RAM MURTI KUSHWAHA
High Court of Judicature at Allahabad