

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 18491 of 2023

Petitioner :- Ajay Pathak @ Ajay Kumar Pathak

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

Counsel for Petitioner :- Abhishek Kumar Chaubey

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard learned counsel for the petitioners and learned A.G.A. for the State.

2. Present writ petition has been filed with following prayer:-

" (i)A writ order or direction in the nature of certiorari quashing the F.I.R. dated 8.11.2023 registered as Case Crime No. 246 of 2023, under Section 419, 420, 467, 468, 471 IPC and 66 (D) of Information Technology (amendment) Act, 2000, P.S. Obra, District Sonbhadra.

(ii) A writ, order or direction in the nature of mandamus restraining the respondents not to arrest the petitioner in Case Crime No. 0246 of 2023 under Sections under Section 419, 420, 467, 468, 471 IPC and 66 (D) of Information Technology (amendment) Act, 2000, P.S. Obra, District Sonbhadra.

(iii) A writ, order or direction in the nature of mandamus commanding the respondents to conduct free and fair investigation in Case Crime No. 246 of 2023, under Section 419, 420, 467, 468, 471 IPC and 66 (D) of Information Technology (amendment) Act, 2000, P.S. Obra, District Sonbhadra. "

3. Upon hearing learned counsel for the parties and upon a perusal of the record, we find that the submissions made on behalf of the petitioners are his defence, which cannot be looked into while dealing with a writ petition seeking quashing of a first information report.

4. Insofar as the prayer no. 3 is concerned, the petitioner, who is accused, is seeking direction for free and fair investigation. Such a prayer on behalf of accused is not tenable.

5. Moreover, the allegations made in the First Information Report clearly disclose commission of cognizable offences and the

allegations are serious in nature. Therefore, prayer of the petitioners to quash the First Information Report is completely misconceived and is rejected.

6. The writ petition is therefore dismissed, without prejudice to the right of the petitioners to apply for bail/anticipatory bail.

Order Date :- 11.12.2023

A.P. Pandey