

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 18594 of 2023

Petitioner :- Suraj Kumar @ Bunty

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

Counsel for Petitioner :- Santosh Kumar Kesarwani

Counsel for Respondent :- G.A.

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Syed Aftab Husain Rizvi,J.

Heard learned counsel for the petitioner and learned AGA for the State.

This writ petition has been filed with the prayer to quash the First Information Report, registered as Case Crime No. 109 of 2021, under Sections 386, 323, 504, 506, 324, 427 IPC & Section 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST Act, Police Station Sigra, District Varanasi, on the ground that investigation has remained pending since long.

Petition is opposed by learned AGA.

We have perused the first information report, as per which the owner of the restaurant while was about to close it for the day, about 3-4 persons entered the restaurant and hurled caste specific abuses. The owner of the restaurant was attacked with an Iron Rod and the owner sustained various injuries. The identity of all accused was not immediately known and it appears that role of petitioner has surfaced subsequent in point of time.

In the facts of the case, we find that prima facie allegation with regard to commissioning of cognizable offence is clearly disclosed. It is otherwise disclosed that petitioner has not been cooperating in the investigation and that is why non-bailable warrants have also been issued against the petitioner. In such view of the matter, we decline to interfere in the present writ petition, which is accordingly dismissed.

Order Date :- 6.12.2023

Anil