

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 18701 of 2023

Petitioner :- Santosh Kumar Maurya And Another

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

Counsel for Petitioner :- Sanjay Kumar Srivastava, Raees Ahamad

Counsel for Respondent :- G.A., Prem Chandra

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Aftab Husain Rizvi, J.

Since the prayer made to quash the impugned FIR has been declined at the instance of co-accused in Criminal Misc. Writ Petition No. 18314 of 2023, as such the same prayer cannot be granted at the instance of the co-accused petitioners. What exactly is the role of petitioners is to be examined in appropriate proceedings. Order passed by a Co-ordinate Bench of this Court in Writ Petition No. 18314 of 2023, dismissing the petition of co-accused is reproduced hereinafter:-

"1. Heard learned counsel for the petitioner, learned counsel for the first informant and learned A.G.A. for the State.

2. The instant writ petition seeks quashing of the FIR dated 29.10.2023 giving rise to Case Crime No.560 of 2023, under Sections 419, 420, 467, 471, 468, 120-B, 504, 506 I.P.C. & 3, 3(2)(v) S.C./S.T. Act, Police Station- Line Bazar, District- Jaunpur.

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 their defence, which cannot be looked into while dealing with a writ petition seeking quashing of a first information report.

4. 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 petitioner to quash the First Information Report is completely misconceived and is rejected.

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

For the reasons recorded in the order passed by the Co-ordinate Bench of this Court, we dismiss the present writ petition also.

Order Date :- 7.12.2023

Anil