

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 18635 of 2023

Petitioner :- Asdullah

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

Counsel for Petitioner :- Ravindra Prakash Srivastava

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard learned counsel for the petitioner and learned A.G.A. for the State and perused the record.
2. The instant petition seeks issue a writ, order or direction in the nature of mandamus commanding and directing the respondents not to arrest the petitioner in pursuance of the first information report dated 29.08.2022 giving rise to Case Crime No. 72 of 2022, under Sections 419, 420, 467, 468, 471 IPC, Police Station Dharm Singhwa, District Sant Kabir Nagar.
3. The contention of learned counsel for the petitioner is that he is not named in the first information report.
4. In our considered opinion, since the petitioner is not named in the first information report, he has no locus to file this writ petition.
5. In case, his name has come to light during investigation, it is evidence which may have been collected during investigation that would not render the first information report liable to challenge.
6. The writ petition is, therefore, **dismissed** without prejudice to the right of the petitioner to apply for bail/ anticipatory bail.

Order Date :- 1.12.2023

A.Kr.