

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 18962 of 2023

Petitioner :- Mahtab Ali

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

Counsel for Petitioner :- Ashvanee Kumar Srivastav, Vineet Kumar Yadav, Vishal Pandey

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra, J.

Hon'ble Mohd. Azhar Husain Idrisi, J.

1. Heard learned counsel for the petitioner and learned A.G.A. for the State.
2. The instant writ petition seeks quashing of the FIR dated 10.08.2023 giving rise to Case Crime No.0266 of 2023, under Sections 147, 149, 323, 452, 504, 506, 427 I.P.C., Police Station- Mughal Sarai, District- Chandauli.
3. The only contention of the learned counsel for the petitioner that the offence alleged in the impugned FIR all carry a sentence of less than seven years.
4. Learned counsel for the petitioner is not able to point out any case law, which provides that the FIR in case, wherein the offences all carry a sentence of less than seven years is necessarily to be quashed.
5. The next submission made is that the FIR is belated of eight months. He has again failed to point out any limitation for lodging an FIR in a cognizable offence.
6. In a writ petition, which seeks quashing of an FIR, the Court is only required to examine as to whether the allegations in the FIR contain the ingredients of a cognizable offence and nothing beyond the same.
7. It would be relevant to note that the allegations in the FIR impugned do contain the ingredients of a cognizable offence. The FIR therefore, cannot be quashed, especially on the basis of the submissions that have been made by learned counsel for the petitioner.
8. The writ petition is therefore dismissed, without prejudice to the right of the petitioners to apply for bail/anticipatory bail.

Order Date :- 7.12.2023

Mayank