

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 19125 of 2023

Petitioner :- Sanjeev Kumar And 5 Others

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

Counsel for Petitioner :- Perdeep Kumar Vishnoi

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Mohd. Azhar Husain Idrisi,J.

1. Heard learned counsel for the petitioners and learned A.G.A. for the State.
2. The instant writ petition seeks quashing of the FIR dated 16.09.2023 giving rise to Case Crime No.335 of 2023, under Sections 147, 353, 323, 504 I.P.C. and 3(2)(Va) of SC/ST Act, Police Station- Aligarh, District-Aligarh.
3. The argument is that all offences alleged in the first information report, carry a sentence of less than 07 years.
4. This argument necessarily implies that the allegations made in the first information report constitute the ingredients of cognizable offence.
5. There is no provision of law which provides that an FIR in cases carrying less than 07 years of sentence is liable to be quashed.
6. Accordingly and since the allegations made in the First Information Report clearly disclose commission of cognizable offences, the writ petition fails and is dismissed, without prejudice to the right of the petitioners to apply for bail/anticipatory bail.

Order Date :- 8.12.2023

Aditya Tripathi