

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 19374 of 2023

Petitioner :- Afjal And 2 Others

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

Counsel for Petitioner :- Kamal Dev Pandey

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Arun Kumar Singh Deshwal,J.

Heard learned counsel for the petitioners and learned A.G.A. for the State.

The instant writ petition seeks quashing of the FIR dated 5.11.2023 giving rise to Case Crime No.216 of 2023, under Sections 420, 406, 506 I.P.C., Police Station- Rail Bazar, District- Kanpur Nagar.

The argument that offences alleged in the first information report, all carry a sentence of less than 07 years.

This argument necessarily implies that the allegations made in the first information report constitute the ingredients of cognizable offence.

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.

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 :- 15.12.2023

Vandana