

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 19209 of 2023

Petitioner :- Asim And 2 Others

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

Counsel for Petitioner :- Zafar Abbas, Imtiaz Husain

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra, J.

Hon'ble Arun Kumar Singh Deshwal, 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 26.07.2023 giving rise to Case Crime No.636 of 2023, under Sections-147, 332, 353, 307, 34 I.P.C., Police Station-Civil Lines, District-Moradabad.
3. Perusal of the first information report shows that it had been lodged against unknown persons.
4. In our considered opinion, since, the petitioners are not named in the first information report, they have no locus to file this writ petition.
5. In case, their 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. Under the circumstances, the first information report cannot be quashed.
7. The writ petition is therefore without merit and is **dismissed**, without prejudice to the rights of the petitioners to apply for bail/ anticipatory bail.

Order Date :- 11.12.2023

S.Chaurasia