

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 4475 of 2023

Petitioner :- Sadruddeen And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Home Civil Secrett. U.P. Lko. And Others

Counsel for Petitioner :- Farooq Ayoob, Km. Pooja Tiwari

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed, J.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Shri Km. Pooja Tiwari, the learned counsel for the petitioners and Shri Badrul Hasan, the learned A.G.A.-I for the State respondents.
2. The petitioner in the present writ petition is seeking quashing of the First Information Report dated registered as F.I.R. No. 213 of 2023, under Section 3(1) U.P. Gangster Act and Anti-Social Activities (Prevention) 1986 registered at Police Station Mohammadpur Khala, District Barabanki, with all its consequential effects and with a further prayer, not to arrest the petitioners in pursuance of the said First Information Report.
3. The contention of the learned counsel for the petitioners is that no offence against the petitioners is disclosed and the present prosecution has been instituted with a malafide intention for the purposes of harassment.
4. Per contra, the learned A.G.A.-I has contended that from the allegations made in the FIR prima facie offence is made out against the petitioners. The innocence of the petitioners cannot be adjudged at the pre trial stage. Therefore, the petitioners do not deserve any indulgence.
5. Perusal of the impugned first information report prima facie reveals commission of cognizable offence. Therefore, in view of the law laid down by Hon'ble Supreme Court in the case of **State of Haryana and others vs. Bhajan Lal and others, 1992 Supp. (1) SCC 335** and **M/s Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra, AIR 2021 SC 1918**, no case has been made out for interference with the impugned first information report.
6. Having gone through the allegations made in the F.I.R. this

Court is of the view that the allegations in the F.I.R. do disclose commission of cognizable offence and/ therefore no ground is made out warranting interference by this Court. Thus, the prayer for quashing of F.I.R. is refused.

7. However, the petitioners are directed to appear and surrender before the court below and apply for bail within four weeks from today, and their prayer for bail shall be considered expeditiously by the court below in accordance with law after hearing the Public Prosecutor.

8. With the aforesaid observations, this petition stands **disposed of**.

Order Date :- 9.6.2023

S.Verma