

Court No. - 2

Case :- CRIMINAL MISC. WRIT PETITION No. - 4849 of 2023

Petitioner :- Abhishek Srivastav

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

Counsel for Petitioner :- Shadab Haider

Counsel for Respondent :- G.A.

Hon'ble Rajan Roy,J.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard.

2. The present petition has been filed seeking following reliefs:

"(i) To issue a writ, order or direction in the nature of Certiorari quashing the impugned First Information Report dated 05.05.2023 of Case Crime No. 0066/2023, under Sections 419, 420, 467, 468, 47, 406 I.P.C., Police Station- Musafirkhana, District- Amethi, only in respect of the petitioner, in the interest of justice.

(ii) To issue a writ, order or direction in the nature of mandamus commanding the opp. parties concerned not to harass and arrest the petitioner in pursuance of the impugned First Information Report dated 05.05.2023 of Case Crime No. 0066/2023, under Sections 419, 420, 467, 468, 47, 406 I.P.C., Police Station- Musafirkhana, District- Amethi, only in respect of the petitioner, in the interest of justice."

2. The contention of the petitioner's counsel is that the main role has been assigned to the main accused in the F.I.R. Mohd. Talib and regarding petitioner only general allegations have been made of connivance with Mohd. Talib.

3. We have perused the F.I.R., we have been informed that the writ petition filed by Mohd. Talib challenging the impugned F.I.R. has already been dismissed. Apart from it, on a perusal of impugned F.I.R. and considering the allegations contained therein, it cannot be said that no cognizable offence is made out. Whether the petitioner is involved or not is a matter of investigation. As far as the stay of arrest is concerned, petitioner can avail other remedies as permissible in law such as under Section 438 of Cr.P.C.

4. Accordingly, the present writ petition is **dismissed**.

(Syed Qamar Hasan Rizvi, J.) (Rajan Roy, J.)

Order Date :- 23.6.2023

Abhishek Gupta