

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7961 of 2023

Petitioner :- Manoj Kumar Yadav Alias Guddu

Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt.
And Others

Counsel for Petitioner :- Akhilendra Pratap Singh, Himanshu Tiwari

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

The present writ petition has been filed by the petitioners with the prayers to issue a writ, order or direction in the nature of Certiorari thereby quashing the impugned F.I.R. dated 27.6.2023, registered as F.I.R./Case Crime No. 736 of 2023, under Sections 406, 420, 467, 468, 471 I.P.C., at Police Station -Kotwali, District - Barabanki. A further prayer has been made to issue a writ in the nature of mandamus thereby directing the respondents to not arrest the petitioners in pursuance to the impugned F.I.R.

Learned A.G.A. has filed short counter affidavit before the Court, which is taken on record.

On the basis of the short counter affidavit, learned A.G.A. submitted that charge sheet has been prepared on 18.10.2023.

Since the Charge-sheet has been prepared by the Investigating Officer, it is presumed that sufficient evidence has been collected and filed with the Charge-sheet before the Trial Court for its evaluation, therefore, this Court feels it to be inappropriate to interfere at this stage.

The writ petition is **dismissed with liberty to the petitioner to approach the Competent Court** for raising their challenge to the Charge-sheet.

Order Date :- 6.12.2023

Anuj Singh