

Court No. - 42

Case :- CRIMINAL MISC. WRIT PETITION No. - 22819 of 2024

Petitioner :- Ramu Gupta

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

Counsel for Petitioner :- Ganesh Mani,Indradeo

Counsel for Respondent :- G.A.,Suraj Kumar Singh

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard learned counsel for the petitioner and learned A.G.A. for the State-respondents. Supplementary affidavit filed on behalf of the petitioner is taken on record.
2. The relief sought in this petition is for quashing FIR dated 22.11.2024 registered as Case Crime No.0232 of 2024 u/s 310(2), 311 BNS, P.S. Balua, District-Chandauli. Further prayer has been made not to arrest the petitioner in the aforesaid case.
3. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and he has been implicated due to malicious intention. He submits that the petitioner is innocent person and allegations levelled against him is highly improbable and unbelievable, as such, the impugned FIR is liable to be quashed.
4. Learned A.G.A. has opposed the prayer for quashing of the FIR, which discloses cognizable offence. On the basis of instructions, he further submitted that there are four criminal cases against the petitioner.
5. Perusal of the impugned FIR, 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** and in **Special Leave to Appeal (Crl.) No.3262 of 2021 (Leelavati Devi @ Leelawati and another vs. State of U.P.)** decided on 07.10.2021, no case has been made out for interference with the impugned FIR.

6. Therefore, the writ petition is dismissed leaving it open for the petitioner to apply before the competent court for anticipatory bail/bail as permissible under law and in accordance with law.

Order Date :- 19.12.2024

Manish Himwan