Court No. - 1

Case :- CRIMINAL MISC. WRIT PETITION No. - 13101 of 2020

Petitioner :- Rajeshwar Kumar Jaiswal And 4 Others
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Narendra Kumar Pathak
Counsel for Respondent :- G.A.

Hon'ble Ramesh Sinha,J.
Hon'ble Samit Gopal,J.

Heard Sri N.K. Pathak, learned counsel for the petitioners, Sri Jai Narain, learned A.G.A. for the State and perused the record.

The present writ petition has been filed by the petitioner, namely, Rajeshwar Kumar Jaiswal, Smt. Adesh Jaiswal, Ajay Kumar Jaiswal, Kapil Kumar Jaiswal and Ravindra Kumar Pathak, seeking quashing of the First Information Report of Case Crime No. 191 of 2020 under sections 384, 386, 420, 441, 504, 506 I.P.C., police station Indrapuram, District Ghaziabad with a further prayer to stay the arrest during the pendency of the investigation of the said case.

Learned counsel for the petitioner submits that for the allegation made in the impugned F.I.R., a complaint was also made in which the Circle Officer has recorded the statement of petitioner no. 1 but thereafter no proceedings were initiated and now the impugned F.I.R. has been lodged by respondent no. 3 against petitioner no. 1 and his entire family members on the basis of application under section 156 (3) Cr.P.C. when the she failed to get any interim injunction from the competent civil court, hence the present F.I.R. is liable to be quashed.

Learned AGA opposed the prayer for quashing of the First Information Report and argued that from the perusal of the First Information Report, a cognizable offence is made out against the petitioner, and therefore, the present writ petition be dismissed.

After having examined the submissions advanced by learned counsel for the parties and perused the impugned FIR, we are of the opinion that the impugned FIR discloses cognizable offence against the petitioner, hence, no interference is called for by this Court in its extraordinary power under Article 226 of the Constitution of India for quashing of the FIR or for grant of any interim relief to the petitioner.

The petition lacks merit and is, accordingly, dismissed.

The party shall file computer generated copy of order downloaded from the official website of High Court Allahabad, self attested by it alongwith a self attested identity proof of the said person(s) (preferably Aadhar Card) mentioning the mobile number(s) to which the said Aadhar Card is linked, before the concerned Court/Authority/Official.

The concerned Court/Authority/Official shall verify the authenticity of the computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

(Samit Gopal, J.) (Ramesh Sinha, J.)

Order Date :- 8.12.2020
Shiraz