

# Deepak Rathore vs State Of U.P. And 3 Others on 31 January, 2025

**Bench: Rajiv Gupta, Karunesh Singh Pawar**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:14665-DB

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 1769 of 2025

Petitioner :- Deepak Rathore

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

Counsel for Petitioner :- Dinesh Kumar, Shri Raghavendra Singh

Counsel for Respondent :- G.A.

Hon'ble Rajiv Gupta, J.

Hon'ble Karunesh Singh Pawar, J.

1. Heard learned counsel for the petitioner, learned A.G.A. for the State and perused the record.
2. The instant writ petition seeks quashing of the FIR dated 26.12.2024 giving rise to Case Crime No. 0150 of 2024, under Sections 498-A, 304-B IPC and Section 3/4 of Dowry Prohibition Act, Police Station-Madhaugarh, District- Jalaun.
3. Learned counsel for the petitioner has submitted that from the allegation made in the first information report, prima facie no offence, complained of, is disclosed against the petitioner and, as such, the instant first information report is liable to be quashed.
4. Per contra, learned AGA has submitted that from the allegation made in the first information report, prima facie offence, complained of is clearly disclosed against the petitioner and, as such, the first information report cannot be quashed in view of the law laid down by the Supreme Court in the

case of State of Telangana Vs. Habib Abdullah Jellani reported in (2017) 2 SCC 779 and Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and Others reported in (2021) SCC Online SC 315 and in a recent decision of the Hon'ble Apex Court in Criminal Appeal No. 843 of 2024, Directorate Enforcement Vs. Niraj Tyagi and others.

5. Having considered the rival submissions made by the learned counsel for the parties and taking into consideration the allegations made in the first information report and the relevant law cited by the learned AGA and the fact that impugned first information report discloses cognizable offence, we are of the opinion that the impugned first information report cannot be quashed.

6. The prayer for quashing of the first information report is therefore, refused.

7. However, in case the petitioner files an application for regular bail before the trial court, his bail application be considered and disposed of as expeditiously as possible in accordance with law.

8. With these observations, the instant writ petition is disposed of.

Order Date :- 31.1.2025 KU