

Sanjay Jain @ Sanju And Another vs State Of U.P. And 3 Others on 1 April, 2025

Author: Vivek Kumar Birla

Bench: Vivek Kumar Birla

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:44402-DB

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 2923 of 2025

Petitioner :- Sanjay Jain @ Sanju And Another

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

Counsel for Petitioner :- Narayan Singh(Kushwaha)

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Praveen Kumar Giri,J.

1. Heard Shri Narayan Singh Kushwaha, learned counsel for the petitioners and learned A.G.A. for the State respondents.

2. The present writ petition has been filed with the prayer to quash the impugned First Information Report dated 05.02.2025, registered as Case Crime No.127 of 2025, under Sections 111, 318 (4), 316(2), 352, 351(3), 61(2) of BNS, 2023, Police Station Kotwali, Lalitpur, District Lalitpur. Further prayer has been made not to arrest the petitioners pursuant to said order.

3. At the very outset, learned counsel for the petitioners submits that the petition filed by co-accused being Criminal Misc. Writ Petition No.3384 of 2025 (Kapil Sarraf vs. State of U.P. and 3 Others) has already been disposed of by a co-ordinate Bench of this Court vide order dated 20.02.2025. The said order is quoted as under:-

"1. Heard learned counsel for the petitioner, learned A.G.A. for the State and perused the record.

2. The instant writ petition has been filed by the petitioner with the prayer to quash the FIR dated 05.02.2025 giving rise to Case Crime No. 127 of 2025, under Sections 111, 318(4), 316(2), 352, 351(3), 61(2) of B.N.S., Police Station Kotwali Lalitpur, District Lalitpur.

3. Learned counsel for the petitioner has submitted that from the allegations made in the first information report, prima facie no offence, complained of, is disclosed against the petitioner and as such, the impugned first information report is liable to be quashed.

4. Per contra, learned AGA for the State has submitted that from the allegations made in the first information report, prima facie offence is clearly disclosed against the petitioner, therefore, the impugned first information report can not be quashed in view of law laid down by the Hon'ble Apex Court in the cases of State of Telangana Vs. Habib Abdullah Jellani reported in (2017) 2 SCC 779, 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 learned counsel for the parties and taking into consideration the allegations made in the first information report and the relevant law cited by learned AGA for the State and the fact that impugned first information report discloses cognizable offence against the petitioner, we are of the opinion that the impugned first information report can not be quashed, therefore, the prayer for quashing the impugned first information report is refused.

6. However in case, the petitioner files an application for anticipatory bail/ regular bail before the appropriate court, his bail application shall be considered and disposed of as expeditiously as possible in accordance with law.

7. With the aforesaid observations, the instant writ petition is finally disposed of. "

4. Consequently, the present petition is also disposed of in terms of the aforesaid order dated 20.02.2025 as quoted above.

Order Date :- 1.4.2025 Nitendra