

Sunil Kumar And 5 Other vs State Of U.P. And 3 Other on 5 February, 2025

Author: Rajiv Gupta

Bench: Rajiv Gupta

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:16108-DB

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 2084 of 2025

Petitioner :- Sunil Kumar And 5 Other

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

Counsel for Petitioner :- Rajesh Pratap Singh

Counsel for Respondent :- G.A.

Hon'ble Rajiv Gupta,J.

Hon'ble Vikas Budhwar,J.

1. Heard learned counsel for the petitioners, learned A.G.A. for the State and perused the record.
2. The instant writ petition seeks quashing of the FIR dated 6.12.2024 giving rise to Case Crime No. 340 of 2024, under Sections 191(2), 191(3), 190, 109, 115(2), 351(2), 352 Bhartiya Nyaya Sanhita (B.N.S.), 2023, Police Station-Eka, District- Firozabad.

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

4. Per contra, learned AGA has submitted that petitioners assaulted the victim, consequent to which, Lal Singh suffered injuries and has been medically examined. He has next submitted that from the allegation made in the first information report, prima facie offence, complained of is clearly disclosed against the petitioners 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 fact that the petitioners are alleged to have assaulted the victim Lal Singh, consequent to which, he has suffered injuries and has been medically examined and in view of 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 petitioners files an application for anticipatory/regular bail before the appropriate court, their 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 :- 5.2.2025 KU