

Sumit Yadav vs State Of U.P. And 3 Others on 7 February, 2025

Author: Mahesh Chandra Tripathi

Bench: Mahesh Chandra Tripathi

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:18146-DB

Court No. - 42

Case :- CRIMINAL MISC. WRIT PETITION No. - 1203 of 2025

Petitioner :- Sumit Yadav

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

Counsel for Petitioner :- Priti Verma,Siya Ram Verma

Counsel for Respondent :- Deepak Singh,G.A.

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.
2. This writ petition has been filed praying for the following reliefs:

"i). Issue a writ, order or direction in the nature of certiorari quashing the impugned first information report dated 03.12.2024 registered in F.I.R./Case Crime No. 0555/2024 under Sections 69, 115(2), 351 (3) of The Bhartiya Nyaya Sanhita (B.N.S.), 2023 and under Section 3(2)(v) of The Scheduled Castes and Schedule Tribes(Prevention of Atrocities) Act, 1989, (Amendment 2015), Police Station

Kalyanpur, District West (Commissionerate Kanpur Nagar) Annexure No.1 to the writ petition).

ii) Issue a writ, order or direction in the nature of mandamus directing the respondents authorities not to take any coercive measure against the petitioner in pursuance of the impugned first information Report dated 03.12.2024 registered in F.I.R./Case Crime No. 0555/2024 under Sections 69, 115(2), 351 (3) of The Bhartiya Nyaya Sanhita (B.N.S.), 2023 and under Section 3(2)(v) of The Scheduled Castes and Schedule Tribes(Prevention of Atrocities) Act, 1989, (Amendment 2015), Police Station Kalyanpur, District West (Commissionerate Kanpur Nagar)."

3. Learned counsel for the petitioner submits that the impugned FIR has been lodged on false/vexatious/mischievous allegations and no offences are made out against the petitioner.

4. Learned AGA opposed the prayer for quashing of the FIR, which discloses cognizable offence.

5. The correctness of the allegations would have to be tested on the basis of the materials collected during the course of investigation and 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.3262/2021 (Leelavati Devi @ Leelawati & another vs. the State of Uttar Pradesh) decided on 07.10.2021 and the latest judgment in Criminal Appeal No. 843 of 2024 arising out of Special Leave Petition (Crl.) No. 10913 of 2023 (Directorate of Enforcement vs. Niraj Tyagi & ors.), no case has been made out for interference with the impugned first information report.

6. The writ petition is disposed of leaving it open for the petitioner to apply before the competent court for bail/ anticipatory bail in accordance with law.

7. It is made clear that we have not adjudicated the contentions raised by learned counsel for the petitioner and the same are left open for the petitioner to raise at an appropriate stage in an appropriate proceeding, in accordance with law.

Order Date :- 7.2.2025 NLY