

Court No. - 48

Case :- CRIMINAL MISC. WRIT PETITION No. - 18035 of 2022

Petitioner :- Maqsood Alam

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Nitin Chandra Mishra

Counsel for Respondent :- G.A.

Hon'ble Suneet Kumar,J.

Hon'ble Narendra Kumar Johari,J.

Heard learned counsel for the petitioner and learned A.G.A for the State respondents.

The relief sought in this petition is for quashing of the F.I.R. dated 14.10.2022 registered as Case Crime No. 0365 of 2022 under Sections 306 IPC and Section 67 of the Information Technology Act, 2008, Police Station Nebua Naurangiya District-Kushi Nagar.

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

Perusal of the impugned first information report prima facie reveals commission of cognizable offence. 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, no case has been made out for interference with the impugned first information report.

Therefore, the writ petition is dismissed leaving it open for the petitioner to apply before the competent court for anticipatory bail/bail as permissible under law and in accordance with law.

Order Date :- 28.11.2022

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