

**Court No. - 32**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 5871 of 2020

**Petitioner :-** Brijesh Yadav

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

**Counsel for Petitioner :-** Dharendra Kumar Srivastava

**Counsel for Respondent :-** G.A.

**Hon'ble Shashi Kant Gupta,J.**

**Hon'ble Mrs. Manju Rani Chauhan,J.**

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

This petition has been filed by the petitioner with a prayer to quash the F.I.R. of Case Crime No. 03 of 2020, under Sections 323, 406, 419, 427, 504 I.P.C., Police Station Naugarh, District Chandauli.

From the perusal of the F.I.R. it appears that on the basis of the allegations made therein prima facie cognizable offence is made out. There is no ground for interfering in the F.I.R.

Therefore, the prayer for quashing the impugned F.I.R. is refused.

However, considering the allegations made in the FIR, the provisions of Section 157 Cr.P.C. and the view taken by the Apex Court in the case of **Joginder Kumar Versus State of U.P. 1994 Cr.L.J. 1981**, it is directed that the petitioner shall not be arrested in above mentioned case, till the credible evidence is not available against him during the investigation or till the submission of police report under section 173(2) Cr.P.C., whichever is earlier.

With the above direction this petition is finally disposed of.

**Order Date :-** 31.7.2020

Priya