

Court No. - 1

Case :- CRIMINAL MISC. WRIT PETITION No. - 7294 of 2020

Petitioner :- Hariom Pandey

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

Counsel for Petitioner :- Amarnath Tripathi

Counsel for Respondent :- G.A.

Hon'ble Ramesh Sinha,J.

Hon'ble Raj Beer Singh,J.

Heard Sri Amarnath Tripathi, learned counsel for the petitioner and Sri A.R. Chaurasia, learned A.G.A. for the State and perused the lower court record.

The relief sought in this petition is for quashing of the F.I.R. dated 02.02.2020, registered as Case Crime No. 27 of 2020, under Sections 307, 392, 427 IPC, P.S. Chetganj, District Varanasi.

It has been contended by learned for the petitioner that petitioner has been falsely implicated in the present case by making false and frivolous allegations. He further submitted that injury sustained by the injured persons is simple in nature. He also submitted that it appears from record that co-accused Ayush Giri has filed Criminal Misc. Writ Petition No. 2910 of 2020 challenging the impugned FIR which has been dismissed by this Court. Further, anticipatory bail application was filed by the petitioner Hariom Pandey being Criminal Misc. Anticipatory Bail Application u/s 438 Cr.P.C. No. 2001 of 2020 which has been rejected by learned Single Judge of this Court, copy of which has been annexed as Annexure-3 to the writ petition.

Learned A.G.A. opposed the prayer for quashing of the F.I.R. which discloses cognizable offence.

The Full Bench of this Court in **Ajit Singh @ Muraha v. State of U.P. (2006 (56) ACC 433)** reiterated the view taken by the earlier Full Bench in **Satya Pal v. State of U.P. (2000 Cr.L.J. 569)** after considering the various decisions including **State of Haryana v. Bhajan Lal (AIR 1992 SC 604)** that there can be no interference with the investigation or order staying arrest unless cognizable offence is not ex-facie discernible from the allegations contained in the F.I.R. or there is any statutory restriction operating on the power of the Police to investigate a case.

From the perusal of the FIR, prima facie it cannot be said that no cognizable offence is made out. Hence no ground exists for quashing of the F.I.R. or staying the arrest of the petitioner.

The writ petition is, accordingly, **dismissed**.

(Raj Beer Singh, J.) (Ramesh Sinha, J.)

Order Date :- 31.7.2020

A. Tripathi