

Court No. - 47

Case :- CRIMINAL MISC. WRIT PETITION No. - 11439 of 2021

Petitioner :- Smt. Banti And Another

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

Counsel for Petitioner :- Surendra Narayan Mishra

Counsel for Respondent :- G.A.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Subhash Vidyarthi,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 27.10.2021 registered as Case Crime No.0532 of 2021 under Sections 376, 313 IPC, Police Station Behat, District Saharanpur. Further prayer has been made not to arrest the petitioners in the aforesaid case.

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, 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 :- 30.11.2021

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