

**Court No. - 47**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 3265 of 2019

**Petitioner :-** Nandu

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

**Counsel for Petitioner :-** Ch. Dilnisar

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

**Hon'ble Ram Surat Ram (Maurya),J.**

**Hon'ble Anil Kumar-IX,J.**

Heard Sri Ch. Dilnisar for the petitioner and learned A. G. A. for the State.

This writ petition has been filed by the petitioner with the prayer to quash the F. I. R., which has been registered as Case Crime No. 30 of 2018, under Sections-147, 148, 149, 307, 323, 504, 353, 332, 333, 336, 427 and 120-B I. P. C. Section-7 of Criminal Law Amendment Act and Sections-3 and 5 of the Prevention From Damage to Public Property Act and Section-26 of the Indian Forest Act at P. S. - Myorpur, district - Sonbhadra.

It has been submitted by learned counsel for the petitioner that although the petitioner is named in the F. I. R. but admittedly he was not present at the place of incident and the impugned F. I. R. has been lodged by respondent no. 3 only for the purpose of harassing the petitioner. He has further submitted that apart from the bald allegations made in the impugned F. I. R. there is no credible evidence, even prima facie indicating at the complicity of the petitioner in the commission of the alleged offence, hence the impugned F. I. R, is liable to be quashed qua the petitioner.

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

However, considering the nature of the allegations made in the F. I. R., 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 credible evidence is not collected by the investigating officer during investigation.

With the above directions, this petition is **disposed of** finally.

**Order Date :-** 8.2.2019

Jaideep/-