

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 2347 of 2018

Petitioner :- Rohtash And 5 Ors.

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

Counsel for Petitioner :- Chandra Bhan Dubey, Surya Bhan Dubey

Counsel for Respondent :- G.A.

Hon'ble Govind Mathur,J.

Hon'ble Ashok Kumar,J.

Heard learned counsel for the petitioners, learned AGA for the respondents-State and perused the record.

This petition for writ under Article 226 of the Constitution of India is preferred with a prayer to quash the first information report dated 08.08.2016 bearing Case Crime No. 860 of 2016 pending investigation at Police Station - Phase-3, District - Gautam Budh Nagar pertaining to offence punishable under Sections 420, 467, 468, 471, 504, 323, 506, 357, 511 and 392 IPC.

Learned counsel for the petitioners submits that no case is made out against the petitioners for the offence referred in the first information report.

Having considered the facts stated in the first information report, we do not find any just reason to quash the first information report as that discloses commission of an offence cognizable.

However, looking to the nature of the case and other surrounding circumstances, we deem it appropriate to direct the respondent no. 2 Station House Officer not to arrest the petitioners - **Rohtash, Harish, Ajai, Bhooley Ram, Kaloo @ Kalloo and Umesh @ Sonu** in relation to first information report referred to above till submission of the police report under Section 173 (2) of the Code of Criminal Procedure. Petitioners shall cooperate in the investigation.

The writ petition stands disposed of accordingly.

Order Date :- 1.2.2018

Rameez

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(Ashok Kumar,J.) (Govind Mathur,J.)