

Court No. - 42

Case :- CRIMINAL MISC. WRIT PETITION No. - 4710 of 2025

Petitioner :- Nipendra Kumar Sharma And 3 Others

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

Counsel for Petitioner :- Mithilesh Kumar Shukla

Counsel for Respondent :- Ajay Dubey,G.A.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard learned counsel for the petitioners and learned A.G.A. for the State-respondents.

2. The relief sought in this petition is for quashing FIR dated 28.02.2025 registered as Case Crime No.0122 of 2025 u/s 108 BNS, P.S. Sadar Bazar, District-Agra. Further prayer has been made not to arrest the petitioners in the aforesaid case.

3. Learned counsel for the petitioners submitted that the petitioners have not committed any offence and they have been implicated due to malicious intention. He submits that the petitioners are innocent person and allegations levelled against them is highly improbable and unbelievable, as such, the impugned FIR is liable to be quashed.

4. Learned A.G.A. has opposed the prayer for quashing of the FIR, which discloses cognizable offence.

5. Perusal of the impugned FIR, 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** and in **Special Leave to Appeal (Crl.) No.3262 of 2021 (Leelavati Devi @ Leelawati and another vs. State of U.P.)** decided on 07.10.2021, no case has been made out for interference with the impugned FIR.

6. 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 :- 12.3.2025

Manish Himwan

(Prashant Kumar,J.) (M.C. Tripathi,J.)