
(2011) 06 AHC CK 0050
In the Allahabad High Court

Kishan Lal and Anr.

APPELLANT

Vs

State of U.P.and Others

RESPONDENT

Date of Decision : 27-06-2011

Acts Referred:

Citation : (2011) 06 AHC CK 0050

Hon'ble Judges : Sheo Kumar Singh, J and Rajesh Chandra, J

Final Decision : Dismissed

Judgement

Sheo Kumar Singh and Rajesh Chandra, JJ.—Heard learned counsel for the petitioners and learned.A.G.A appearing for the State.

The relief sought in this petition is for quashing of the first information report registered at case crime no. 198 of 2011 under Sections 420, 468, 471, 504 I.P.C., Police Station Bhoji, district Moradabad.

2. The Full Bench of this Court in Ajit Singh @ Muraha v. State of u.P. and others (2006 (56)ACC 433) reiterated the view taken by the earlier Full Bench in Satya Pal V. State of u.P. and others (2000 Cr. L. J. 569) that there can be no interference with the investigation or order staying arrest unless cognizable offence is not exfacie discernible from the allegations contained in the first information report or there is any statutory restriction operating on the power of the police to investigate a case.

3. The Full Bench has further held that it is not permissible to appropriate the writ jurisdiction under Article 226 of the Constitution as an alternative to anticipatory bail which is not invocable in the State of u.P. attended with further observation that what is not permissible to do directly cannot be done indirectly.

4. Learned counsel for the petitioners has not brought forth anything cogent or convincing to manifest that no cognizable offence is disclosed prima facie on the allegations contained in the first information or that there was any statutory restriction operating on the police to investigate the case.

5. Having scanned the allegations contained in the first information report the Court is of the view that the allegations in the first information report do disclose commission of cognizable offence and, therefore, no ground is made out warranting interference by this Court.

6. The petition is accordingly dismissed.

7. However, it is provided that on the facts and circumstances of the present case if petitioners surrender and apply for bail within fifteen days from today before the Courts below, the same shall be considered and decided expeditiously on its intrinsic merit by the Courts below in accordance with law.