

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 10297 of 2023

Petitioner :- Harendra Bashishta And Another

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

Counsel for Petitioner :- Vinod Kumar Tirpathi, Amit Kumar

Counsel for Respondent :- G.A., Abhishek Kumar Shukla

Hon'ble Anjani Kumar Mishra, J.

Hon'ble Arun Kumar Singh Deshwal, J.

1. Heard learned counsel for the petitioners, learned counsel for the first informant and learned A.G.A. for the State.
2. The instant writ petition seeks quashing of the FIR dated 03.05.2023 giving rise to Case Crime No.0232 of 2023, under Sections 420, 406, 467, 468, 471, 504 I.P.C., Police Station- Beeta-2, District- Gautam Buddh Nagar.
3. A prayer for adjournment has been made by Shri Ashish Pandey, on the request of the clerk of Shri Vinod Kumar Tripathi, learned counsel for the petitioner.
4. This prayer is, hereby, rejected.
5. On 04.07.2023, an order has been passed directing the learned counsel for the petitioners to serve dasti notice upon the respondent, first informant, outside the Court. The dasti notices were to be handed over to counsel for petitioners within 24 hours.
6. This office report dated 07.07.2023, states that learned counsel for the petitioners has not taken steps.
7. The other interesting aspect in the order dated 04.07.2023 is the undertaking of learned counsel for the petitioner to produce a draft for a sum of Rs. 15,00,000/- drawn in favour of the first informant. On the next date of listing, even this undertaking has not been complied with.
8. Under the circumstances and since the order dated 04.07.2023 has not been complied with and since the allegations in the first information report contains the ingredients of a cognizable

offence, no case for interference is made out.

9. The writ petition is therefore, dismissed.

10. Moreover, since the undertaking given by counsel for petitioners has not been honoured, let a notice be issued to learned counsel for the petitioners and also the petitioners to show cause why they should not be punished for failing to honour the undertaking given by them as is recorded in the order dated 04.07.2023.

11. The notices be served to learned counsel for the petitioners and petitioners within a week, calling for reply within a week of its service.

12. List immediately on the expiry of the above period.

Order Date :- 30.11.2023

Aditya Tripathi