

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 13944 of 2023

Petitioner :- Anil Kumar Chaudhary

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Lalit Kumar,Kamalesh Kumar Nishad

Counsel for Respondent :- G.A.,Ajay Kumar,Harish Chandra Gupta

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Arun Kumar Singh Deshwal,J.

Heard learned counsel for the petitioner and learned A.G.A. for the State.

The instant writ petition seeks quashing of the FIR dated 27.7.2023 giving rise to Case Crime No. 323 of 2023, under Section 419, 420, 467, 468, 406 I.P.C., P.S. Kokhraj, District Kaushambi.

Contention of learned counsel for the petitioner is that the F.I.R. alleges fraudulent embezzlement by the petitioner who is alleged to be an employee of a company. It is contended that the petitioner was never employed in the company and therefore, the F.I.R. is fabricated and concocted.

Learned A.G.A. as also the counsel appearing for the first informant have vehemently opposed the petition.

Upon hearing learned counsel for the parties and upon a perusal of the record, we find that the submissions made on behalf of the petitioner are his defence, which cannot be looked into while dealing with a writ petition seeking quashing of a first information report.

Moreover, the allegations made in the First Information Report clearly disclose commission of cognizable offence and such F.I.R. cannot be quashed, especially on the basis of submissions made.

The writ petition, therefore, fails and is **dismissed**, without prejudice to the right of the petitioner to apply for bail/anticipatory bail.

Order Date :- 30.11.2023

Vandana