

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 14969 of 2023

Petitioner :- Pradeep Kumar Sharma

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

Counsel for Petitioner :- Hemant Kumar, Aravind Kumar Tripathi, Kaustubh Tripathi

Counsel for Respondent :- G.A., Akash Tomar, Ankit Srivastava

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Sri Jayant Kumar, learned counsel who has filed his vakalatnama in the office on behalf of the petitioner and Shri G.P. Singh, learned A.G.A for the State respondents, and Shri Akash Tomar, learned counsel for the informant.

2. The relief sought in this petition is for quashing of the impugned F.I.R. dated 3.5.2023, registered as Case Crime No. 0082 of 2023, under Sections 419, 420, 467, 468, 471 IPC, Police Station Cannt., District Prayagraj. Further prayer has been made not to arrest the petitioner in the aforesaid case.

3. Prosecution story, in brief, is that one Mr. Anil Kumar gave a written complaint to the Deputy Commissioner, Prayagraj Commissionerate alleging that a forged agreement was prepared by the accused persons in the name of one Amarjeet Kaur, who was ex-partner of Global Technow and used the same as genuine. It is the case of prosecution that Global Technow was established on 9.10.2020 and at that time a deed was executed to adopt Amarjeet Kaur as partner but due to her advance stage of pregnancy, which could not be implemented and Amarjeet Kaur ended her relation with Global Technow on 24.7.2021, knowingly fully this fact, the petitioner prepared the forged agreement.

4. Submission of the learned counsel for the

petitioner is that the petitioner has been falsely implicated and no offence as alleged in the impugned FIR is made out against him. It is submitted that First Information Report has been lodged on baseless grounds. In the First Information Report, it is being alleged that one Amarjeet Kaur was the partner in the firm who had terminated all her terms with the firm subsequent to signing the agreement in question. It is submitted that all the allegations levelled against him are baseless, and the informant has not disclosed his concern with the petitioner. It is next submitted that if any offence is committed, in the facts-circumstances of the case, then the proper recourse lies with Section 340 IPC. Attention was drawn to various documents to dislodge the credibility of the informant in relation to the report submitted by the Investigating Officer of District Muraina, and in one case adverse report was submitted by the authority of District Muraina, M.P. Thus, no offence is made out against the petitioner. The registration of the impugned FIR is misuse of the process of law.

5. Learned counsel for the informant submits that the alleged documents was prepared by the accused persons soon after she left the job by making her forged signatures. On perusal of letter dated 20.2.2023 its revealed that Amarjeet Kaur has nothing to do with the operation of the Bank accounts. It is stated at the Bar by the learned counsel for the informant that Anil Kumar is the current partner of the firm and therefore, he has every locus to lodge the impugned FIR in respect of the forged documents shown to have been executed by outgoing partner, namely, Amarjeet Kaur.

6. Learned AGA also opposed the prayer for quashing of the impugned FIR, and states that serious allegations of forgery and cheating are leveled against the petitioner, which discloses commission of cognizable offence.

7. Be that as it may, without going into the truthfulness of the contention raised by learned counsel for the parties, *prima-facie*, there are

allegation of commission of forgery by the petitioner and on plain reading of the impugned FIR, commission of cognizable offence has been made out.

8. The inherent power of the Court under Article 226 of the Constitution of India is permitted to be resorted to when documents relied upon by the accused demonstrate that no *prima facie* offence is made out on the face value of those materials, and not otherwise, and if it is allowed to happen it would ensue disastrous and startling consequences in criminal jurisprudence. Moreover, the petitioner has failed to bring his case within the parameters compiled by the Supreme Court in **State of Haryana and others vs. Bhajan Lal and others, 1992 Supp. (1) SCC 335.**

9. The present petition is devoid of merit and is accordingly dismissed.

Order Date :- 30.10.2023
Abhishek