

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 14450 of 2023

Petitioner :- Smt Savita And Another

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

Counsel for Petitioner :- Sumit Goyal

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Shri Sumit Goyal, learned counsel for the petitioners and Shri Ratan Singh, learned AGA for the State respondents.
2. Present petition has been preferred seeking quashing of the impugned FIR dated 19.08.2023, registered as Case Crime No.0365 of 2023, under Sections 193, 420, 120B IPC, P.S. Sadar Bazar, District Saharanpur.
3. Submission of the learned counsel for the petitioners is that order referring the matter to the S.I.T. by the Motor Accident Claim Tribunal dated 27.02.2023 was stayed by Hon'ble Single Judge of this Court vide order dated 17.10.2023 passed in Writ -C No.30956 of 2023 (Smt. Savita vs. Motor Accident Claims Tribunal and 3 Others), therefore, this First Information Report could not have been lodged by the S.I.T., and the present criminal prosecution cannot be proceeded to.
4. We find that admittedly vide order 07.10.2015 passed by a Division Bench of this Court in Civil Revision No.49 of 2015 (I.C.I.C.I. Lombard General Insurance Company Limited vs. Smt. Ramavati and Others), S.I.T. was constituted. We are of the *prima facie* opinion that all such matters wherein fraud has been played by getting police report submitted which may be used to claim the Insurance amount by filing false motor accident claim petition, was directed to be investigated. In the present case Chargesheet No.176 of 2016, dated 26.01.2016 against Jay Kumar would not come in the way and we are of the opinion that order passed by learned Single Judge cannot override the order passed by the Division Bench, therefore, all such issues can be investigated on merits. It is not known whether the order of the Hon'ble Division Bench in Criminal Revision No.49 of 2015 was brought to the

knowledge of the learned Single Judge or not. Further, even the Hon'ble Apex Court has also taken note of large scale fraud in motor accident claims. Therefore, we do not find any good ground to interfere in the impugned First Information Report.

5. Perusal of the impugned First Information Report, *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.3262/2021 (Leelavati Devi @ Leelawati & another vs. the State of Uttar Pradesh)*** decided on 07.10.2021, no case has been made out for interference with the impugned first information report.

6. The writ petition is devoid of merit and is accordingly dismissed.

Order Date :- 2.11.2023

Nitendra