

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 14823 of 2023

Petitioner :- Vishal Kumar

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

Counsel for Petitioner :- Irfan Ahmad Malik

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Sri Irfan Ahmad Malik, learned counsel for the petitioner and learned A.G.A for the State respondents.

2. The relief sought in this petition is for quashing of the F.I.R. dated 27.8.2023 registered as Case Crime No. 224 of 2023 under Sections 420, 406, 467, 468, 471, 323, 506 IPC, Police Station Purkazi, District Muzaffarnagar. Further prayer has been made not to arrest the petitioner in the aforesaid case.

3. Submission of learned counsel for the petitioner is that the petitioner has no concerned with the present case and he has been falsely implicated in the present case. It is next submitted that there is delay of more than two years in lodging First Information Report. It is next submitted that the co-accused Nishu is real brother-in-law of the informant and the petitioner is friend of Nishu. It is next submitted that the allegations are against Nishu, therefore, present criminal prosecution against the present petitioner is liable to be quashed.

4. Learned AGA opposed the prayer for quashing of the FIR, which discloses cognizable offence.

5. From perusal of the record we find that the money was taken for getting the job in the Defence Ministry and the appointed letter dated 8.4.2021 was found to be a forged document and as per First Information Report thereafter a sum of Rs. 95,000/- was also returned. 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. Therefore, the writ petition is dismissed leaving it open for the petitioner to apply before the competent court for anticipatory bail/bail as permissible under law and in accordance with law.

Order Date :- 13.10.2023

Lalit Shukla