

**Court No. - 45**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 15276 of 2023

**Petitioner :-** Pushpendra Rathi

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

**Counsel for Petitioner :-** Desh Ratan Chaudhary, Himanshu Chaudhary

**Counsel for Respondent :-** G.A.

**Hon'ble Vivek Kumar Birla, J.**

**Hon'ble Vinod Diwakar, J.**

1. Heard Shri Desh Ratan Chaudhary, learned counsel for the petitioner and Shri G.P. Singh, learned A.G.A for the State respondents.

2. The relief sought in this petition is for quashing of the First Information Report 01.09.2023, registered as Case Crime No. 204 of 2023, under Section 13 of Prevention of Corruption Act, 1988, Police Station Kakor, District Bulandshahr. Further prayer has been made not to arrest the petitioner in the aforesaid case.

3. Submission of the learned counsel for the petitioner is that the entire story are false and concocted; there is contradiction in the allegations made in the impugned First Information Report and the allegations made in the order of suspension.

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

5. Perusal of the impugned First Information Report reveals commission of cognizable offence. We find that admittedly, the impugned First Information Report has been lodged after the preliminary enquiry conducted by the Circle Officer himself and as per the First Information Report video recording of incident regarding demand of money is also on record. 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 :- 26.10.2023**

Nitendra