

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 15172 of 2023

Petitioner :- Smt Gomti Devi Alias Suman Srivastava And Another

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Munna Singh Tomar, Pushpendra Singh Tomar, Suresh Singh Tomar

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Shri S.S. Tomar, learned counsel for the petitioners and Shri Ratan Singh, learned A.G.A for the State respondents.
2. The relief sought in this petition is for quashing of the F.I.R. dated 24.01.2023, registered as Case Crime No. 0036 of 2023, under Sections 419, 420, 406 IPC, Police Station Baberu, District Banda.
3. Submission of the learned counsel for the petitioners is that the petitioners are not at all involved in the present case and they have been falsely implicated. It is further submitted that the petitioners have not received any amount and the bank account referred to in the impugned First Information Report has already been closed and they were not present at the place of incident, which was mentioned in the impugned FIR.
4. Learned AGA opposed the petition and submits that all such grounds that have been taken by the petitioners are the defence of the petitioners which cannot be considered for the purpose of quashing of the impugned FIR.
5. We find that the informant has not been impleaded as one of the respondent in the present case. Even otherwise, on perusal of records we find that it is a case where the allegation is that money was taken to get government job to the informant and forged joining letter was given.
6. 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.

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

Order Date :- 31.10.2023

Nitendra