

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 15604 of 2023

Petitioner :- Luxmi Shankar Mishra

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

Counsel for Petitioner :- Shree Prakash Upadhyay

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Shri Shree Prakash Upadhyay, learned counsel for the petitioner and Shri Vibhav Ojha, learned A.G.A for the State respondents.

2. The relief sought in this petition is for quashing of the F.I.R. dated 09.03.2022, registered as Case Crime No. 51 of 2022, under Sections 409, 419, 420, 467, 468, 471 IPC, Police Station Bhadohi, District Bhadohi. Further prayer has been made not to arrest the petitioner in the aforesaid case.

3. Submission of learned counsel for the petitioner is that petitioner has taken a validly granted loan and has not committed any forgery and also not manufactured or forged any document. The petitioner is a bona fide purchaser and he has been falsely implicated by the Bank, the correction deed was duly registered in the office of the Sub-Registrar and report to that effect was also submitted before the Bank before grant of loan and merely because there had been some default in payment of loan, it cannot be submitted that offence has been made out.

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

5. On reading of the FIR, we find that the Bank account of the petitioner has been declared as NPA and on inquiry through subsequently engaged penal lawyer, it was found that the correction/supplementary deed were not registered in the office of Registrar.

6. Perusal of the impugned first information report prima facie reveals commission of cognizable offence.

7. 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.

8. The present petition is dismissed.

Order Date :- 19.10.2023

Ujjawal