

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 15204 of 2023

Petitioner :- Smt Anita Sahu And 2 Other

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

Counsel for Petitioner :- Manish Kumar Kashyap, V.P. Singh Kashyap

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Shri V.P. Singh Kashyap, learned counsel for the petitioners and Shri G.P. Singh, learned AGA for the State-respondents.

2. The present writ petition has been filed challenging the impugned F.I.R. dated 03.08.2023, registered as Case Crime No. 230 of 2023, under Sections 420, 467, 468, 471, 506, 304, 120B IPC, Police Station Badalpur, District Gautambuddh Nagar.

3. Learned counsel for the petitioners submits that certain amount has been transferred in the account of wife of informant prior to her marriage by the petitioner, who is a distant relative of the wife of the informant. Subsequently, the said amount was returned back into the account of the petitioners by retaining some amount. The wife of the petitioner had taken some loan from the petitioner therefore, such transactions occurred. It is further submitted that the petitioners have been falsely implicated in the present case with ulterior motive to extort money.

4. *Per contra*, learned AGA submits that Rs. 76,090/- had been credited in the account of wife of the informant from NRHM account, out of the said amount, Rs. 54,000/- has been returned to the petitioners. There are serious allegations of cheating and forgery against the petitioners. It is further submitted that the petitioner no. 1 works in the nationalized Bank, and the petitioner no. 1 has caused loss to the Bank in connivance with petitioner no. 2.

5. On plain reading of the FIR, *prima facie*, cognizable offence has been made out against the petitioners. It is observed that certain amount has been credited in the account of informant's

wife from the Bank by the petitioner illegally causing loss to the Bank, where petitioner no. 1 is working. The investigation is at the initial stage, no good ground have been shown by the counsel for the petitioners to attract 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**. No case has been made out for interference with the impugned First Information Report, at this stage.

6. The writ petition is dismissed leaving it open for the petitioners to avail remedies, as per law.

Order Date :- 19.10.2023

Ujjawal