

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 15238 of 2023

Petitioner :- Manjeet Singh

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

Counsel for Petitioner :- Arunendra Kumar Singh, Saurabh Kesarwani

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra, J.

Hon'ble Donadi Ramesh, J.

1. Heard learned counsel for the petitioner and learned A.G.A. for the State.
2. The instant writ petition seeks quashing of the FIR dated 16.09.2023 giving rise to Case Crime No. 485 of 2023, under Sections 420 and 409 IPC, Police Station- Dhoomanganj, District- Prayagraj.
3. The contention of learned counsel for the petitioner is that the first information report alleges that certain money embezzled was deposited in the account of his near relatives, including wife. It is submitted that the petitioner relinquished charge at Prayagraj on 12.07.2022 and all the amounts, which were credited into the account of his wife on subsequent dates. Subsequently, on the instruction of the department, this amount has been returned to the department concerned through R.T.G.S. It is therefore, submitted that no offence is disclosed from the allegations in the first information report.
4. The fact remains that it is admitted that certain amount was transferred into the bank account of the petitioner's wife and that

the same has been refunded. This in our considered opinion constitutes the ingredient of a cognizable offence. The manner in which it was done and whether knowingly or unknowingly is something which is to be decided on the basis of investigation and during trial, the Writ Court dealing with the writ petition, which seeks quashing of the first information report, is not required to traverse these allegations with a view of finding as to whether the allegations shall result in a conviction or not.

5. However, since the allegations do contained ingredients of a cognizable offence, the writ petition is dismissed, without prejudice to the right of the petitioner to apply for bail/anticipatory bail.

Order Date :- 26.10.2023

Noman