

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 15347 of 2023

Petitioner :- Harvansh (Harvansh Kumar Singh)

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Surendra Prasad Sharma

Counsel for Respondent :- G.A.,Pankaj Kumar

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Shri Surendra Prasad Sharma, learned counsel for the petitioner as well as learned AGA appearing for the State respondents and Sri Pankaj Kumar, learned counsel for the informant.

2. The petitioner, by means of this writ petition under Article 226 of the Constitution of India, has invoked the jurisdiction of this Court with prayer to quash the impugned First Information Report dated 14.08.2023 registered as Case Crime No. 110 of 2023, under Sections 467, 468, 471, 472 IPC, P.S. Bharatkoop, District Chitrakoot and for a direction to the respondents not to arrest the petitioner in pursuance of impugned First Information Report.

3. Submission of learned counsel for the petitioner is that the petitioner has been falsely implicated because of an earlier incident, in which the daughter of the informant has lost her life due to illicit relation with one Deependra, wherein a charge sheet has been filed against him, however, the petitioner is not at all concerned with the alleged offence. He further submits that petitioner belongs to pedigree of Deependra and Principal of Panchmukhi Inter College and the informant intending to revenge the earlier incident and due to this reason, the petitioner has been falsely implicated. The petitioner is not real uncle of the deceased.

4. Learned counsel for the petitioner next submitted that the petitioner was neither headmaster nor teacher of the aforesaid school and has no control over affairs and as such he has been falsely implicated in the present case. He has further submitted that initially, an application filed by the informant under Section 156(3) Cr.P.C. was rejected by the trial Court, however, the revisional Court vide order dated 14.07.2023 remanded back the matter to the trial Court for reconsideration of the application and simply because of remand of the matter without

application of mind, the direction has been issued to lodge the FIR. Submission is that due to rivalry the petitioner has been falsely implicated in the present case.

5. *Per contra*, learned AGA has submitted that the forged certificates have been issued by the institution and petitioner has been actively involved in the same and when the Juvenile Court recorded the date of birth as 13.09.2022 and Deependra was declared juvenile, the same was challenged wherein the appellate court vide order dated 21.05.2022 has recorded the finding that the correct date of birth of the accused Deependra is 26.01.1996 and as such, he was above 18 years. The said finding is still intact and yet the cognizable offence is made out. In view of the above, we find substance in the submission of learned AGA.

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 writ petition is dismissed.

Order Date :- 2.11.2023

RKM