

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 15705 of 2023

Petitioner :- Geeta Srivastava

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

Counsel for Petitioner :- Mahendra Ram Maurya

Counsel for Respondent :- G.A.,Bhole Ram

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Shri Mahendra Ram Maurya, learned counsel for the petitioner, Shri Bhole Ram, learned counsel for the informant, Shri Vibhav Ojha, learned A.G.A for the State-respondents, and perused the record.

2. The relief sought in this petition is for quashing of the impugned First Information Report dated 27.8.2023, registered as Case Crime No.0704 of 2023, under Sections 420, 406, 467, 468, 471, 506 IPC, Police Station- Kotwali Orai, District Jalaun. Further prayer has been made not to arrest the petitioner in the aforesaid case.

3. Submission of learned counsel for the petitioner is that the petitioner has been falsely implicated in the present case. The petitioner is a Staff Nurse in a private hospital and she has no connection with the Bhartiya Khadya Nigam and the entire allegation is being levelled to somehow get the house of the petitioner, which is worth Rs.30-35 lacs. Submission, therefore, is that the present criminal prosecution has been lodged with malafide intention, and no offence is made out as against the petitioner.

4. Per contra, learned A.G.A. and learned counsel for the informant have opposed the prayer by stating that the money was taken for the purpose of getting government job in Bhartiya Khadya Nigam for which money was also paid, and a sum of Rs.50,000/- was returned. Submission, therefore, is that the petitioner has defrauded Rs.13 lacs and the joining letter given by the petitioner to the informant was found to be forged.

5. Perusal of the impugned F.I.R., *prima facie*, reveals commission

of cognizable offence.

6. 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 F.I.R.

7. In such view of the matter, we do not find any good ground to interfere in the impugned FIR. The present petition is devoid of merits, and is accordingly, dismissed.

Order Date :- 13.10.2023

Anil K. Sharma