

**Court No. - 45**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 15925 of 2023

**Petitioner :-** Nitin

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

**Counsel for Petitioner :-** Vinay Kumar Singh

**Counsel for Respondent :-** G.A.,Mahesh Kumar

**Hon'ble Vivek Kumar Birla,J.**

**Hon'ble Vinod Diwakar,J.**

1. Heard Shri Vinay Kumar Singh, learned counsel for the petitioner, Shri Mahesh Kumar, learned counsel for the informant and Shri Rakesh Kumar Madheshiya, learned A.G.A for the State respondents.

2. The relief sought in this petition is for quashing of the F.I.R. dated 06.09.2023, registered as Case Crime No. 0338 of 2023, under Section 408 IPC, Police Station Kotwali, District Jhansi. 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 is working as driver of the informant for last three years and the he has not committed any offence, there is a delay of 76 days in lodging of the FIR.

4. Per contra, learned counsel for the informant submits that a bare glance over the FIR clearly reflects that informant had given keys of the house to the petitioner when he had gone out of the town, and on return after some time on checking it was found that gold, silver and cash was missing from the Almirah and that there is a videography of the confession made by the petitioner to the mother of the informant that he has committed the offence, as such cognizable offence has been made out.

5. Perusal of the impugned first information report 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 first information report.

7. The present petition is dismissed.

**Order Date :- 18.10.2023**

Ujjawal