

**Court No. - 45**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 15748 of 2023

**Petitioner :-** Shivam Mishra And 2 Others

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

**Counsel for Petitioner :-** Abhinav Dwivedi

**Counsel for Respondent :-** G.A.

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

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

1. Heard Sri Abhinav Dwivedi, learned counsel for the petitioner and Sri Ratan Singh, learned A.G.A for the State respondents.

2. The relief sought in this petition is for quashing of the F.I.R. dated 6.2.2023, registered as Case Crime No. 54 of 2023, under Section 420 IPC and 66 (D) Information Technology Act, Police Station Hapur Dehat, District Hapur. Further prayer has been made not to arrest the petitioner in the aforesaid case.

3. Submission of the learned counsel for the petitioner is that the petitioner has been falsely implicated and he has not been named in the FIR and no offence as alleged in the FIR about cyber crime has been committed by the petitioner

4. Learned AGA opposed the prayer for quashing of the FIR, which discloses cognizable offence. He has pointed out that accused Puneet and Rohit, who have named the petitioner during investigation, have already been arrested and that it is a case of cyber crime where by playing fraud e-mail id was got registered and money was withdrawn and as such, no interference is warranted in the impugned FIR.

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. Therefore, the writ petition is dismissed.

**Order Date :-** 27.10.2023

Abhishek