

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 16140 of 2023

Petitioner :- Mudit Agarwal

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

Counsel for Petitioner :- Santosh Kumar Gupta

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Anish Kumar Gupta,J.

1. Heard Shri K.K. Yadav holding brief of Shri Santosh Kumar Yadav, learned counsel for the petitioner and Shri Virendra Kumar Pal, learned A.G.A for the State respondents.

2. The relief sought in this petition is for quashing of the F.I.R. dated 19.09.2023, registered as Case Crime No. 0797 of 2023, under Sections 420, 323, 504, 506 IPC and Section 66-D I.T. Act, Police Station Khurja Nagar, District Bulandshahar. 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 petitioner is working as a Financial Investment Advisor in the OTP Kripto Bank and was never involved in any such activity that has been alleged in the impugned FIR. It is further submitted that only allegation is that the petitioner had given assurance to the investors that what Jareef Khan is saying is correct whereas even as per allegation the entire money was given to Jareef Khan and other persons and that the petitioner has no concerned with the money, therefore, the impugned first information report is liable to be quashed as against the petitioner.

4. Learned AGA opposed the petition and submits that it is a huge gang operating in the field of cyber crime and innocent persons have been defrauded by getting their hard earned money deposited by giving assurance of fancy return, therefore, a cognizable offence is made out.

5. Perusal of the impugned first information report prima facie reveals commission of cognizable offence. 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.

6. The writ petition is devoid of merit and is accordingly dismissed.

Order Date :- 20.11.2023

Nitendra