

**Court No. - 43**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 16152 of 2023

**Petitioner :-** Kanhaiya Lal Prajapati

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

**Counsel for Petitioner :-** Hari Narayan Singh

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

**Hon'ble Anjani Kumar Mishra,J.**

**Hon'ble Shiv Shanker Prasad,J.**

1. Heard learned counsel for the petitioner and learned A.G.A. for the State.
2. The instant writ petition seeks quashing of the FIR dated 29.09.2023 giving rise to Case Crime No.265 of 2023, under Sections 419, 420, 467, 468, 471, 120-B I.P.C., Police Station-Bhatani, District- Deoria.
3. The first submission of learned counsel for the petitioner is that the FIR is belated by 8 months. The petitioner had been promoted. If there was any allegations against him, his promotion would not have been considered.
4. The second submission is that the petitioner resigned from the post of Branch Manager on 08.02.2023, which resignation was accepted on 11.09.2023. The FIR itself, is dated 29.09.2023 as is clear from the record.
5. The last submission of learned counsel for the petitioner is that the FIR has been lodged without there being any investigation.
6. Nothing turns upon the first argument raised by learned counsel for the petitioner.
7. Counsel for the petitioner has not been able to produce any material on the basis, whereof it can be said that any FIR, which is alleged to be belated or is belated must be quashed.
8. The second submission that the petitioner was resigned and his resignation had been accepted and, therefore, there could not be any allegations against him because otherwise the resignation would not have been accepted is the defence of the petitioner.

9. Moreover, the FIR is subsequent to the acceptance of the resignation of the petitioner and, therefore, the submission is without substance.

10. Moreover, the allegations made in the FIR contain the ingredients of a cognizable offence. The FIR therefore, cannot be quashed.

11. The writ petition is therefore dismissed, without prejudice to the right of the petitioners to apply for bail/anticipatory bail.

**Order Date :- 12.10.2023**

Mayank