

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 16293 of 2023

Petitioner :- Rajesh Kumar

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

Counsel for Petitioner :- Pradeep Kumar Tiwari

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Sri Pradeep Kumar Tiwari, learned counsel for the petitioner and 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. 0646 of 2023, under Sections 420, 467, 468, 471 IPC, Police Station Sadar Bazar, District Shahjahanpur. Further prayer has been made not to arrest the petitioner in the aforesaid case.

3. Submission of learned counsel for the petitioner is that he has been falsely implicated simply because of some negligence on part of certain employees in respect of certification/verification of Aadhar Card of four old aged pensioners and that on coming to know about the same the petitioner directed to stop old age pension of relevant persons, therefore, the petitioner cannot be held liable for the same. Certain other arguments in respect of individual accounts have also been raised and it is submitted that there is no direct or indirect evidence showing involvement of the petitioner in the entire episode. Hence the impugned FIR is liable to be set aside.

4. On perusal of the record, we find that serious allegation have be levelled in the present FIR lodged by District Social Welfare Officer after the extensive departmental inquiry conducted by five member committee wherein it was found that large scale of fraud has been committed in respect of about 2,377 pensioners bank account. The statement of various pensioners have also been recorded during this inquiry which *prima facie*, reflects commission of offence. It is also reflected that all the accounts were individually verified and large scale fraud was found to have been committed. The petitioner herein is the then District Social Welfare Officer, Shahjahanpur who in connivance with his colleagues, with the help of four private computer operators whose names have been disclosed in the FIR, has committed

this fraud and misappropriated an amount of Rs. 2,52,39,000/-. We therefore, find that this FIR has been lodged after extensive departmental inquiry wherein it was found that large scale fraud has been committed in respect of pensioner's bank bank account.

5. Learned AGA opposed the prayer for quashing of the FIR, which discloses cognizable offence.

6. Thus, 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.

8. It is also expected that expeditious inquiry shall be conducted by the Investigating agency.

9. Learned AGA is directed to sent a copy of this order to Superintendent of Police, Shahjahanpur as well to the Director General of Police.

Order Date :- 2.11.2023

Ujjawal