

**Court No. - 45**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 16237 of 2023

**Petitioner :-** Nikhil Gupta

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

**Counsel for Petitioner :-** P.K. Singh, Vijay Kumar Mishra

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

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

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

1. Heard Sri Vijay Kumar Mishra, learned counsel for the petitioner and Sri Vivek Shukla, State Law Officer for the State respondents.

2. The relief sought in this petition is for quashing of the F.I.R. dated 15.08.2023, registered as Case Crime No. 385 of 2023, under Sections 420, 467, 468, 471, 406, 120B IPC and 66D Information Technology (Amendment) Act, 2008, Police Station Hari Parwat, District Nagar (Commissionerate Agra). 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 was working in Max Life Insurance Company and he is not involved in the alleged offence of committing forgery by getting amount in his account and as such cognizable offence has not been made out.

4. Learned AGA submits that subsequently amount of Rs. 24 lakhs and odd was deposited by him in the company and it is clear that cognizable offence has been made out wherein several persons are involved regarding commission of offence in respect of more than Rs. 3 crores.

5. Perusal of the impugned first information report prima facie reveals commission of 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 writ petition is dismissed.

**Order Date :- 1.11.2023**

Ujjawal