

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 16230 of 2023

Petitioner :- Deepak Goyal

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

Counsel for Petitioner :- Prashant Vyas, Sr. Advocate

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Shri G.S. Chaturvedi, learned Senior counsel assisted by Sri Prashant Vyas, learned counsel for the petitioner, Shri Rajesh Khare, learned A.G.A. for the State-respondents and perused the record.

2. The relief sought in this petition is for quashing of the First Information Report dated 27.09.2023 registered as Case Crime No. 0833 of 2023, under Sections 419, 420, 467, 468, 471 IPC, P.S. Khurja Nagar, District Bulandshahr.

3. Learned Senior counsel submits that the petitioner is a Government servant and he is still in the job and posted as a Reader at Tehsildar Court, Khurja, District Bulandshahr. The petitioner has been falsely implicated in the present case. He further submits that a departmental inquiry is in progress and till the final outcome of departmental inquiry the FIR should have not been lodged which itself make out a case of malicious prosecution. Learned Senior Counsel further submits that the integrity of the complainant is also highly doubtful and prima facie there are also allegations of cheating and forgery levelled against him.

4. Per contra, learned A.G.A. submits that the FIR against the

petitioner was registered on 27.09.2023 on the complaint of the then Tehsildar, Khurja, now Deputy Collector at Gorakhpur.

5. On plain reading of the aforesaid FIR, the commission of cognizable offence is made out. *Prima facie* the matter is under investigation, and the complainant has also supported the allegations in the statement recorded under Section 161 Cr.P.C, the investigation needs to be done by the Investigating Officer. The Commission of the departmental inquiry against the petitioner directly have no bearing on the registration of the FIR because scope of both the proceedings are different. Therefore, at this stage no interference under Article 226 of the Constitution of India is warranted.

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. The writ petition is devoid of merits and is accordingly **dismissed**.

8. The observations made in the order are solely for the purpose of disposal of the case and the same shall not affect the merits of the case.

Order Date :- 30.10.2023

A. Tripathi