

Court No. - 67

Case :- CRIMINAL MISC. WRIT PETITION No. - 16312 of 2023

Petitioner :- Pooja And 2 Others

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

Counsel for Petitioner :- Babboo Ram

Counsel for Respondent :- G.A.

Hon'ble Rahul Chaturvedi,J.

Hon'ble Mohd. Azhar Husain Idrisi,J.

Heard learned counsel for the petitioners, learned A.G.A. appearing for the State-respondents and perused the record.

By means of this writ petition under Article 226 of the Constitution of India, the petitioner is assailing the legality and validity of the FIR dated 22.09.2023 registered in Case Crime No. 308 of 2023, under Sections 420, 406, 323, 504, 506, 342, 467, 471 IPC, P.S. Simbhawali, District Hapur.

Upon hearing learned counsel for the parties and upon a perusal of the record, we are of the considered opinion that the cognizable offence is made out by which Rs. 40 lacs were swindled and digested by the accused Sachin. Learned counsel for the petitioners submits that petitioners Pooja, Madan and Om Prakash are the close relatives of Sachin. It cannot be said that they are not the beneficiary of the same and there is no occasion or reason to quash the FIR in exercise of power conferred under Article 226 of the Constitution of India.

Accordingly, the prayer for quashing the FIR is declined and refused.

However, it is open for the petitioner, if so advised, he shall move proper bail application before the appropriate forum, within ten days from today.

It is also made clear that the Court is not expressing

any opinion on the merits of the case. The court concerned is expected to apply its robust and judicial discretion in deciding the bail application as early as possible.

With the above observation, the writ petition is ***disposed of.***

Order Date :- 16.10.2023

Vikram