

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 16356 of 2023

Petitioner :- Kunwar Himanshu Chauhan And Another

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

Counsel for Petitioner :- Shiv Sagar Singh

Counsel for Respondent :- G.A.

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Syed Aftab Husain Rizvi,J.

Heard Sri Shiv Sagar Singh, learned counsel for the petitioners, learned A.G.A. for the State and Sri Habib Ahmed, learned counsel for respondent bank.

This petition has been filed with the prayer to quash the First Information Report registered as Case Crime No.0783 of 2023, dated 05.08.2023, under Sections 420, 466, 467, 468, 471, 409 and 120-B and 504 IPC, Police Station - Sahibabad Trans Hindon Commissionerate, District -Ghaziabad, contained in Annexure-1 to the writ petition.

The F.I.R. has been lodged by Zonal Manager of Indian Bank alleging various acts of omission and commission by the officers of the bank as also the beneficiaries who have indulged in financial transactions with the bank. Admittedly, personal loan has been sanctioned to the petitioners.

In the facts of the case, we find that prima facie allegations of commissioning of cognizable offence are clearly disclosed from perusal of the F.I.R. Correctness otherwise of such allegations are not required to be examined by this Court, at the threshold, in view of the law laid down by Supreme Court in **State of Telangana Versus Habib Abdullah Jellani, (2017) 2 SCC 779** and **Neeharika Infrastructure Pvt. Ltd. Versus State of Maharashtra and others, (2021), SCC Online SC 315.**

The prayer made to quash the impugned F.I.R. is declined. Writ petition is dismissed.

Order Date :- 7.11.2023

MN/-