

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 16374 of 2023

Petitioner :- Bablu @ Ashwani Raj

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

Counsel for Petitioner :- Shamasul Eslam

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Vivek Kumar Singh,J.

1. Heard learned counsel for the petitioner, learned counsel for the first informant and learned A.G.A. for the State.

2. The instant writ petition seeks quashing of the FIR dated 20.09.2023 giving rise to Case Crime No.0514 of 2023, under Sections 419, 420 467, 468, 471, 406 I.P.C., Police Station-Kotwali, District- Ballia.

3. The contention of the learned counsel for the petitioner is that the FIR does not allege that any loan was got sanctioned by the petitioner. The allegation, if any are against the maternal uncle with whom the petitioner, a student was residing.

4. The allegation in the FIR is that certain loans were got sanctioned in the name of the informant but despite sanction of the loan, the loan amount was not paid to the person in whose favour the loan has been sanctioned. This money has been retained by the accused.

5. Upon hearing learned counsel for the parties and upon a perusal of the record, we find that the submissions made on behalf of the petitioner are his defence, which cannot be looked into while dealing with a writ petition seeking quashing of a first information report.

6. Under the circumstances, the FIR cannot be quashed, it cannot definitely be quashed on the argument of the learned counsel for the petitioner that the petitioner is a mere student. Therefore, prayer of the petitioner to quash the First Information Report is completely misconceived and is rejected.

7. The writ petition is therefore dismissed, without prejudice to the right of the petitioners to apply for bail/anticipatory bail.

Order Date :- 9.11.2023

Himanshu