

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 16659 of 2023

Petitioner :- Nitish Kumar

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

Counsel for Petitioner :- Amar Jeet Upadhyay

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Donadi Ramesh,J.

1. Heard learned counsel for the petitioner and learned A.G.A. for the State.
2. The instant writ petition seeks quashing of the FIR dated 27.07.2023 giving rise to Case Crime No.0310 of 2023, under Sections 420, 409, 506 I.P.C., Police Station- Mawana, District-Meerut.
3. The contention of learned counsel for the petitioner is that his job responsibility was only to getting accounts opened and for providing ATM cards. The first information report makes allegations which were beyond the scope of the petitioner's duties. Earlier in time, the petitioner had lodged the FIR and, therefore, the impugned FIR is by way of counter-blast. It is also reiterated that the petitioner has not availed any loan. The first information report is absolutely fabricated and malicious.
4. In our considered opinion, the submissions made on behalf of the petitioner are his defence, which cannot be looked into while dealing with a writ petition which seeks quashing of a first information report.
5. It would be relevant that the allegations made in the First Information Report contain the ingredients of a cognizable offence. Such an FIR is not liable to be quashed.
6. Accordingly, we do not find it a fit case for interference.
7. The writ petition is therefore dismissed, without prejudice to the right of the petitioners to apply for bail/anticipatory bail.

Order Date :- 26.10.2023/Aditya Tripathi