

**Court No. - 45**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 17972 of 2023

**Petitioner :-** Ajay Puri And 4 Others

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

**Counsel for Petitioner :-** Satyam Tiwari

**Counsel for Respondent :-** G.A.

**Hon'ble Vivek Kumar Birla,J.**

**Hon'ble Vinod Diwakar,J.**

1. Heard Shri Satyam Tiwari, learned counsel for the petitioners, and Shri Surendra Singh, learned A.G.A. for the State-respondents.
2. The relief sought in this petition is for quashing of the impugned First Information Report dated 1.10.2023, registered as Case Crime No.437 of 2023, under Sections 420, 406, 506 IPC, Police Station- Basdeeh, District Ballia. Further prayer has been made not to arrest the petitioners in the aforesaid case.
3. Submission of learned counsel for the petitioners is that the present criminal prosecution has been lodged by filing an application under section 156(3) Cr.P.C. in relation to a property deal, and therefore, a civil dispute is being given colour of a criminal case. Learned counsel further submits that the entire family has been falsely implicated in the present case.
4. By pointing a paragraph, learned A.G.A. submits that it has been specifically mentioned in the FIR that by giving bank account number and specific sum, the amount was transferred in the bank account.
5. Of this learned counsel for the petitioners submits that the money has been returned as stated in paragraph-9 of the petition.
6. We find that this is nothing but a defence of the petitioner as there is no indication that the amount transferred in the bank account has been returned.
7. *Prima-facie*, on plain reading of the contents of the impugned FIR, we find that the commission of a cognizable offence is made out. All the arguments being raised by learned counsel for the

petitioners is nothing but a defence of the petitioners, as there is no indication that the amount transferred in the bank account has been returned, that cannot be considered for the purpose of quashing of the impugned FIR. Therefore, the extra-ordinary power vests with this Court cannot be invoked in the facts-circumstances of the case.

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

**Order Date :- 28.11.2023**

Anil K. Sharma