

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 17073 of 2023

Petitioner :- Rajiv Kumar Sharma

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

Counsel for Petitioner :- Vikrant Pandey, Prasoon Kumar

Counsel for Respondent :- G.A., Ganesh Kumar Verma

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Aftab Husain Rizvi, J.

1. This petition has been filed with the prayer to quash first information report in Case Crime No.11 of 2023 on the ground that previous FIR dated 5.12.2022 in Case Crime No.0679 of 2022 is also in respect of the same allegation and, therefore, the impugned FIR being a subsequent FIR is liable to be quashed in view of the law laid down by the Supreme Court in the case of T.T.Antony vs. State of Kerala (2001) 6 SCC 181.

2. Petition is opposed by learned AGA as well as Sri Ganesh Kumar Verma, who claims to be the person responsible for initiation of action against the petitioner.

3. We have perused the first information report in both the cases as also the inquiry reports on the basis of which such proceedings have been initiated.

4. The first FIR is in respect of an allegation as per which the petitioner had misrepresented his identity and has secured movement of vehicles without paying toll etc. Financial losses were in the process also caused.

5. The second FIR is in respect of non-maintenance of records in the institution by the drawing and disbursal authority. The accused in the subsequent FIR is not only the petitioner, but also another officer.

6. From the *prima facie* perusal of the materials on record, it appears that the allegations which form the basis of FIR in the two cases are separate and distinct.

7. In that view of the matter, we are not inclined to entertain the present petition on the ground that the impugned FIR is a second FIR in respect of the same incident.

8. Accordingly, this petition is dismissed.

Order Date :- 1.12.2023/LN Tripathi