

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 18006 of 2023

Petitioner :- Rahis Ahmad And 6 Others

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Brijesh Kumar Yadava, Narendra Kumar

Counsel for Respondent :- G.A.

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Aftab Husain Rizvi, J.

Heard learned counsel for the petitioners and learned AGA for the State.

This writ petition has been filed with the prayer to quash the First Information Report, registered as Case Crime No. 0001 of 2021, under Sections 420, 468, 409 IPC, Police Station Sadar Bazar, District Mathura, wherein allegation is that scholarship has been got disbursed to ineligible persons on the basis of fabricated and manufactured records.

Counsel for the petitioners states that petitioners were not the Manager, when the offence alleged to have been committed had been undertaken.

What exactly is the role of petitioners is an aspect to be examined during the course of investigation. Since the First Information Report, prima facie, discloses commissioning of cognizable offence, the prayer made to quash the First Information Report is, therefore, declined in view of the law laid down by the Supreme Court in the case of State of Telangana Vs. Habib Abdullah Jellani, (2017) 2 SCC 779, as also in the case of Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and Others, (2021) SCC Online SC 315.

Writ petition, accordingly, is dismissed.

Dismissal of this writ petition, however, will not preclude the petitioners from seeking appropriate protection under the Code of Criminal Procedure, which shall be dealt with on its own merit and in accordance with law, without being influenced with any observation made by this Court.

Order Date :- 12.12.2023

Anil