

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 17094 of 2023

Petitioner :- Paras Singhal

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

Counsel for Petitioner :- Anurag Yadav, Mahendra Pratap

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Shri Mahendra Pratap, learned counsel for the petitioner and Shri G.P. Singh, learned A.G.A for the State respondents.

2. The relief sought in this petition is for quashing of the F.I.R. dated 16.06.2023, registered as Case Crime No.0642 of 2023, under Sections 420, 467, 468, 471, 120B IPC, P.S. Sahibabad, District Trans Hindon (Commissionerate, Ghaziabad). Further prayer has been made not to arrest the petitioner in the aforesaid case.

3. Submission of the learned counsel for the petitioner is that petitioner is neither seller nor purchaser nor the witness of the sale deed and he is not at all connected with the transactions as alleged in the impugned FIR. By drawing attention to paragraphs 7 and 8 of the writ petition it is submitted that the petitioner had in fact paid Rs.5.50 Lakhs to one Tarun Kumar, which was returned by him through bank account of one Lalit Kumari, therefore, on return of loan amount he was not concerned about the fact that from whose account the money was paid and only this mistake on his part does not prove that any offence has been committed by the petitioner.

4. *Per contra*, learned AGA opposed the petition and submits that all such assertions that have been made by the learned counsel for the petitioner are nothing but the defence of the petitioner which cannot be considered for purpose of quashing the impugned FIR.

5. We find substance in the argument of learned AGA. Perusal of the impugned first information report prima facie reveals commission of cognizable offence. Therefore, in view of the law laid down by Hon'ble Supreme Court in the case of ***State of Haryana and others vs. Bhajan Lal and others, 1992 Supp.***

(1) SCC 335 and M/s Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra, AIR 2021 SC 1918 and in Special Leave to Appeal (Crl.) No.3262/2021 (Leelavati Devi @ Leelawati & another vs. the State of Uttar Pradesh) decided on 07.10.2021, no case has been made out for interference with the impugned first information report.

6. The writ petition is devoid of merit and is accordingly dismissed.

Order Date :- 29.11.2023

Nitendra