

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 17760 of 2023

Petitioner :- Ashok Kumar

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

Counsel for Petitioner :- Sushil Kumar Pandey

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Arun Kumar Singh Deshwal,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 13.10.2018 giving rise to Case Crime No. 757 of 2018, under Sections- 419, 420, 467, 468, 471 IPC, Police Station- Kosikalan, District- Mathura.
3. Contention of learned counsel for the petitioner is that the petitioner was appointed as Assistant Teacher in pursuance of the appointment letter dated 10.11.2015 of District Basic Education Officer, Mathura and there is no allegation in the impugned F.I.R. that the petitioner obtained the appointment by committing any forgery. It is further submitted that the allegations made in the F.I.R. do not disclose any cognizable offence.
4. In pursuance of the earlier order of this Court dated 9.11.2023, learned A.G.A. produced the instructions before this Court. As per the instructions, a letter dated 13.7.2017 was sent by the District Basic Education Officer, Mathura to the first informant, informing that the present petitioner had obtained appointment on the basis of forged appointment letter.
5. On reading the letter dated 13.7.2017 of District Basic

Education Officer, Mathura, which was also mentioned in the impugned F.I.R., we find that there is specific allegation against the petitioner that he had obtained appointment on the basis of forged appointment letter, therefore, ingredients of cognizable offence are present. Defence raised by the petitioner cannot be seen at this stage. Therefore, no case of quashing the F.I.R. is made out.

6. The writ petition is therefore **dismissed**, without prejudice to the right of the petitioner to apply for bail/anticipatory bail.

Order Date :- 24.11.2023

Vandana