

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 17606 of 2023

Petitioner :- Shail Raj Sonker And Another

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

Counsel for Petitioner :- Ashutosh Gupta

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Shri Ashutosh Gupta, learned counsel for the petitioners and Shri Ratan 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 08.09.2023, registered as Case Crime No. 0152 of 2023, under Sections 419, 420, 504, 506, 406, 294 I.P.C., Police Station Daraganj, District Prayagraj. Further prayer has been made not to arrest the petitioners in the aforesaid case.
3. Submission of learned counsel for the petitioner is that the main allegation is against Mohit Yadav and his wife Apurva Sonkar and the money was transferred in their account and the cheque was also issued by Mohit Yadav. The allegation of sending forged email from Indian Railway is also against Mohit Yadav and the petitioners have no concern with the present case. The petitioners was implicated only because of their relationship with accused Mohit Yadav. It is also submitted that petitioners have been falsely implicated in this case and petitioner no. 1 has already retired from service of Indian Railway in August, 2016 as such there was no occasion for him to commit any such offence of making promise of getting job in Railways. He submits that there is delay of several years in lodging the First Information Report.
4. Per contra, learned A.G.A. opposed the petition.
5. We find that all such arguments that are being raised by learned counsel for the petitioners are nothing but defence of the petitioner, which cannot be considered for the purpose of quashing of the FIR. Perusal of the impugned First Information Report prima facie reveals commission of cognizable offence.

6. 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.

7. The writ petition is **dismissed**.

Order Date :- 29.11.2023

Shafique