

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 17572 of 2023

Petitioner :- Akilesh Kumar Alias Akhilesh Jaiswal

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

Counsel for Petitioner :- Murli Dhar Mishra

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Sri M.D. Mishra, learned counsel for the petitioner and Sri 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 16.6.2022, registered as Case Crime No. 72 of 2022,, under Sections 420, 406, 504, 506, 419, 467, 468, 471 IPC, Police Station Jogia Udaipur, District Siddharth Nagar. 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 the petitioner is not even named in the FIR and his name has figured in the statement of the informant during course of investigation and against two co-accused persons named in the FIR charge-sheet has been submitted and therefore, no offence whatsoever is made out against the petitioner. It is further submitted that the matter relates to civil dispute, which is being given colour of criminal prosecution. It is submitted that the name of the petitioner has been added by way of improvement with the help of the Investigating Officer and has no legs to stand.

4. Learned AGA opposed the prayer for quashing of the FIR, which discloses cognizable offence. It is next submitted that non-bailable warrants have already been issued against the petitioners on 2.12.2022, under Sections 419, 420, 467, 468, 471, 504 and 506 and subsequently Section 406 IPC was also added against the petitioner herein and as such, all such happened during course of investigation and no case for interference is made out and question of part quashing of the FIR does not arise.

5. We find substance in the arguments of learned AGA and perusal of the impugned first information report prima facie also 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. Therefore, the writ petition is dismissed.

Order Date :- 12.12.2023

Abhishek