

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 17636 of 2023

Petitioner :- Sumitra Maurya

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

Counsel for Petitioner :- Firdos Ahmad, Atul Kumar Yadav

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Sri Firdos Ahmad, learned counsel for the petitioner and learned A.G.A for the State respondents.

2. The relief sought in this petition is for quashing of the F.I.R. dated 27.9.2023, registered as Case Crime No. 0554 of 2023, under Sections 419, 420, 467, 468, 471, 120B IPC, Police Station Kotwali, District Azamgarh. 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 has been falsely implicated and no offence is made out against the petitioner. It is next submitted that the allegations levelled against the petitioner are absolutely false and he has not committed any offence and he is a innocent person. It is further submitted that at the time of examination, the examination controller has not made any remark that somebody else has appeared in the examination and the informant has not taken any expert opinion and has also not sought any report from the examination controller and the petitioner has no criminal history. It is further submitted that at the time of appearing for the verification of the documents the petitioner left his original documents and as such, no offence as alleged in the FIR has been committed by the petitioner.

4. Learned AGA opposed the prayer for quashing of the FIR, which discloses cognizable offence. He next submits that bio-matrix and photographs are different and both the accused have admitted in writing that somebody else has appeared in the examination.

5. 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. Therefore, the writ petition is dismissed.

Order Date :- 12.12.2023

Abhishek