

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 17733 of 2023

Petitioner :- Ganesh Yadav And Another

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

Counsel for Petitioner :- Mahendra Singh

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Shri Mahendra Singh, learned counsel for the petitioners, Shri Ratan Singh, learned A.G.A for the State-respondents, and perused the record.

2. The relief sought in this petition is for quashing of the impugned First Information Report dated 25.10.2023, registered as Case Crime No.873 of 2023, under Section 406, 420 IPC, Police Station- Shikohabad, District Firozabad. Further prayer has been made not to arrest the petitioners in the aforesaid case.

3. Submission of learned counsel for the petitioners is that the FIR has been lodged in relation to the money transaction after huge delay of about one and half years and the first informant and the co-accused Dheeraj are the property dealers, therefore, a civil dispute of factual aspect in the present case is involved, as such the impugned FIR is liable to be quashed.

4. *Per contra*, learned A.G.A. pointed out that there is a money transaction in the bank account of one of the co-accused, and in any case, the cognizable offence is made out.

5. *Prima-facie*, on plain reading of the contents of the impugned FIR, we find that the commission of a cognizable offence is made out. The arguments being raised by learned counsel for the petitioners is nothing but a defence of the petitioners that cannot be considered for the purpose of quashing of the impugned FIR.

6. The writ petition is devoid of merits, and is accordingly, **dismissed.**

Order Date :- 22.11.2023

Anil K. Sharma