

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 17742 of 2023

Petitioner :- Nandlal Jaysawal

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

Counsel for Petitioner :- Vivek Chaturvedi, Nipun Singh

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra, J.

Hon'ble Vivek Kumar Singh, J.

Heard learned counsel for the petitioner and learned A.G.A. for the State.

The instant writ petition seeks quashing of the FIR dated 23.10.2023 giving rise to Case Crime No. 0358 of 2023, under Section 409 I.P.C., Police Station- Phoolpur, District- Varanasi.

Contention of the counsel for the petitioner is that against the order of surcharge, judicial proceedings are pending.

There is also no adjudication of the liability of the petitioner and therefore, the petitioner is entitled to relief.

In our considered opinion, where the facts give rise to both the civil and criminal liabilities, there is no bar to the simultaneous continuance of criminal as well as civil proceedings.

Under these circumstances, no interference is called on the basis of submissions made specially when the allegation contained in the first information report constitute a cognizable offence. Therefore, first information report cannot be quashed.

The writ petition is, accordingly, dismissed.

Order Date :- 9.11.2023

Jaswant