

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 17994 of 2023

Petitioner :- Bhupendra Kumar Yadav

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Avneesh Tripathi, Ratnesh Kumar Shukla, Shikhar Tandon

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra, J.

Hon'ble Arun Kumar Singh Deshwal, J.

1. Heard learned counsel for the petitioners and learned AGA.
2. The writ petition seeks quashing of the F.I.R. dated 17.10.2023 giving rise to Case Crime No. 0351 of 2023, under Sections 419, 420, 467, 468 and 471 IPC, Police Station- Kotwali Nagar, District Balrampur.
3. The only contention of the learned counsel for the petitioner is that a bunch of civil petitions are pending, wherein the Court is prima facie of the opinion that a vigilance enquiry is required to be held because the forgery, i.e. being imputed against the petitioner could not be entirely his own doing.
4. It has also been contended that the petitioner be protected till such time, the enquiry report is available.
5. From the submissions made, it is clear that the enquiry has been ordered in a civil petition and the object thereof is to find out if the illegality pointed out in the impugned FIR was a bigger scam than a one of case. This enquiry report or the pendency of the writ petition or enquiry proceeding would not in any manner retract from the allegations that have been made in the impugned FIR.
6. The question before the writ Court dealing with the writ petition which seeks quashing of the FIR is not necessarily find out as to whether the allegations against the petitioner were part of a bigger scam or one of case.
7. The Court is only require to examine as to whether the allegations in the first information report contain the ingredients of

a cognizable offence.

8. We are of the considered opinion that the allegations definitely constitute a cognizable offence.

9. The first information report, therefore, cannot be quashed.

10. Under the circumstances, no case for interference is made out on the basis of the submissions made above.

11. The writ petition is, therefore, **dismissed**, without prejudice to the right of the petitioner to apply for bail/anticipatory bail.

Order Date :- 21.11.2023

Brijesh