

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 18297 of 2023

Petitioner :- Ajay Kumar Bhargav And 2 Others

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

Counsel for Petitioner :- Suneel Kumar Mishra, Pramod Kumar Mishra

Counsel for Respondent :- G.A.

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Aftab Husain Rizvi, J.

1. This petition has been filed with the prayer to quash the first information report dated 11.10.2023 registered as Case Crime No.0148 of 2023 under Sections 406, 420, 504, 506 IPC, Police Station-Kotwali Shar, District-Mirzapur.

2. Counsel for the petitioners submits that the petitioners are merely employee of the company and the allegations made against the petitioners are wholly uncalled for.

3. Be that as it may, perusal of the first information report would go to show that money deposited by small depositors has been embezzled by the company concerned. What exactly the role of the petitioners is an aspect to be examined during the course of investigation. Petitioners' defence that they are merely the employee would also require factual ascertainment.

4. Since, *prima facie*, allegation with regard to commissioning of cognizable offence is disclosed, the prayer made in the writ petition to quash the first information report is declined.

5. Petition is, accordingly, **dismissed**.

6. Dismissal of this petition would not preclude the petitioners from seeking appropriate protection under the Code of Criminal Procedure.

Order Date :- 2.12.2023

LN Tripathi