

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 18247 of 2023

Petitioner :- Anjali Pandey

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

Counsel for Petitioner :- Atul Kumar Shahi

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Shri Atul Kumar Shahi, learned counsel for the petitioner and Shri Ratan Singh, learned A.G.A for the State respondents.

2. The relief sought in this petition is for quashing of the F.I.R. dated 29.10.2023, registered as Case Crime No. 593 of 2023, under Sections 420, 467, 468, 471 IPC, Police Station Faridpur, District Bareilly. 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 is a lady and is not an active participant in the tender work. It is further submitted that the experience certificate submitted by the petitioner's firm in the first round of tender was genuine one, however, the experience certificate uploaded in the second round of tender was not forged but it was an old one which was issued by the Government Department for other purposes. Submission is that for this mistake the petitioner has also tendered apology to the department and the Enquiry Committee constituted for this purpose by the Regional Food Controller and after considering the reply, a decision has been taken to blacklist the petitioner's firm and vide order dated 19.10.2023 the petitioner's firm has been blacklisted. Submission is that the tender conditions are under challenge in a civil litigation before this Court and therefore, no offence as alleged has been made out against the petitioner.

4. Per contra, learned AGA opposed the petition and by drawing attention to the finding recorded by the Enquiry Committee vide order dated 19.10.2023 annexed at page 85 of the paper book, it is submitted that the FIR has been lodged after enquiry conducted by the Enquiry Committee and it was found that documents used by

the petitioner's firm was a forged document, therefore, a cognizable offence is made out against the petitioner. It is next submitted that whatever has been submitted by the learned counsel for the petitioner is nothing but defence of the petitioner and cannot be considered for quashing of the FIR.

5. We find substance in the argument of learned AGA. Perusal of the impugned first information report *prima facie* reveals commission of cognizable offence. 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.

6. The writ petition is devoid of merit and is accordingly dismissed.

Order Date :- 14.12.2023

Nitendra