

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 18684 of 2023

Petitioner :- Rajendra Kumar Shakya And Another

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Fatma Khatoun

Counsel for Respondent :- G.A.

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Syed Aftab Husain Rizvi,J.

This writ petition has been filed with the prayer to quash the First Information Report registered as Case Crime No.0393 of 2023, under Sections 420, 467, 468, 471, 506, 120B IPC, Police Station Sipri Bazar, District Jhansi.

The FIR contains allegation to the effect that accused persons have accepted about Rs.9 lac for securing appointment in government department whereafter they were furnished fraudulent documents relating to appointment.

On behalf of petitioners it is contended that the petitioners are innocent and have been falsely implicated in the present case. It is also submitted that no specific role has been assigned to the petitioners.

Learned A.G.A. opposes the prayer made in the writ petition.

We have perused the First Information Report, which prima facie discloses commissioning of cognizable offence. Defence of the petitioners that the allegation made in FIR against them are incorrect cannot be examined at this stage. The role of petitioner as per police report also would not be conclusive. The correctness or otherwise of the allegations are not required to be commented upon, at the threshold, by this Court. The prayer made to quash the F.I.R. otherwise cannot be entertained in view of the law laid down by the Supreme Court in the case of State of Telangana vs. Habib Abdullah Jellani, (2017) 2 SCC 779 and Neeharika Infrastructure Pvt. Ltd. vs.State of Maharashtra and others; (2021) SCC Online SC 315. Thus, the prayer made to quash F.I.R. is declined.

Writ petition is, accordingly, dismissed.

Order Date :- 7.12.2023

Ashok Kr.