

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 18643 of 2023

Petitioner :- Neelesh Mishra

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

Counsel for Petitioner :- Anoop Kumar Dwivedi, Shishir Kumar Dwivedi

Counsel for Respondent :- G.A., Shivendra Nath Singh, Yogendra Kumar Tripathi

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 14.10.2023 registered as Case Crime No.343 of 2023 under Sections 419, 420, 406 IPC, Police Station-Phoolpur, District-Allahabad.

2. We have perused the first information report, which clearly goes to show that a fake company has been opened by the accused persons and huge funds have been collected from ordinary depositors amounting to Rs.15 crores and have thereafter fled.

3. Whether these allegations are correct or not is an aspect to be examined during the course of investigation. Specific role of the petitioner is otherwise required to be considered at the stage of investigation. Since *prima facie* allegation commissioning of cognizable offence is disclosed in the FIR, the prayer made to quash it is declined

4. Leaving all issues open for examination at the stage of investigation, the prayer made in the writ petition to quash the first information report is declined.

5. The petition is, accordingly, dismissed.

Order Date :- 7.12.2023

LN Tripathi