

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 18914 of 2023

Petitioner :- Amit Kumar

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

Counsel for Petitioner :- Rakesh Kumar Maurya, Shweta Singh

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.12 of 2023, under Section 420, 406 IPC, Police Station Atrauli, District Aligarh.

Contention is that the petitioner is innocent and has been falsely implicated in the present case.

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

We have perused the First Information Report as per which various amounts were received to be credited to the coaching institute but such amount has been diverted to the personal account of petitioner.

Learned A.G.A. points out that subsequent in point of time sections 467, 468, 471 IPC have also been added. Proceedings under section 82 Cr.P.C. have also been initiated against the petitioner and he is not cooperating in the investigation.

Since the FIR prima facie discloses commissioning of cognizable offence, therefore the prayer made to quash the F.I.R. 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. Prayer made to quash F.I.R. is, therefore, declined.

Writ petition is, accordingly, dismissed.

Order Date :- 6.12.2023

Ashok Kr.