

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 4420 of 2023

Petitioner :- Vinod Kumar Alias Vinod Kumar Awasthi

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Home
Civil Sectt. Lko. And Others

Counsel for Petitioner :- Pradeep Kumar Tripathi

Counsel for Respondent :- G.A.

Hon'ble Rajnish Kumar,J.

Hon'ble Umesh Chandra Sharma,J.

Heard learned counsel for the petitioner and learned A.G.A. for the State.

This petition has been filed challenging the F.I.R. dated 30.09.2022 registered as Case Crime No.380, under Section 34, 406, 420, 467, 468, 471 I.P.C., Police Station-Imaliya Sultanpur, District-Sitapur.

Submission of learned counsel for the petitioner is that the petitioner has falsely been implicated in the case, whereas the petitioner was merely an employee of the firm and all the transactions were being made by the owner.

Learned A.G.A. opposed the submission of learned counsel for the petitioner.

Having considered the submissions of learned counsel for the parties and on perusal of records, this Court finds that the F.I.R. was lodged initially under Section 406,420 I.P.C. but during the course of investigation,Section 34, 467, 468, 471 have been added. The statement of owner of the firm contained in Annexure No.2 indicates that all his works were being done by the petitioner with the support of other employees.

In view of above, since the commission of offence is made out from the F.I.R., the F.I.R. cannot be quashed. Even otherwise, the grounds raised by the petitioner in this petition can be raised in the appropriate proceedings for bail.

Dismissed accordingly.

(Umesh Chandra Sharma,J.) (Rajnish Kumar,J.)

Order Date :- 6.6.2023

Akanksha