

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 8327 of 2023

Petitioner :- Rajeshwari Gautam Alias Rajeshwari

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

Counsel for Petitioner :- Vishwanath Pratap Singh

Counsel for Respondent :- G.A.

Hon'ble Rajan Roy,J.

Hon'ble Ajai Kumar Srivastava-I,J.

Heard.

This petition has been filed seeking the following reliefs:-

"(i) issue a writ, order or direction in the nature of Certiorari quashing the impugned F.I.R. dated 17.06.2023 of case crime/F.I.R. No. 0158 of 2023, under Section 120-B, 419, 420, 467, 468, 471 & 409 IPC, Police Station - Gomti Nagar Vistar, District - Lucknow as contained in Annexure No. 1 to this writ petition only in respect of the petitioner in the interest of justice.

(ii) issue a writ, order or direction in the nature of Mandamus commanding the opposite parties concerned to not arrest or harass her in case crime/F.I.R. No. 0158 of 2023, under Section 120-B, 419, 420, 467, 468, 471 & 409 IPC, Police Station - Gomti Nagar Vistar, District - Lucknow, in the interest of justice."

The contention of the petitioner's Counsel is that none of the allegations contained in the FIR regarding commission of an offence can be attributed to the petitioner.

We have gone through the contents of the First Information Report and we are of the opinion that it cannot be said at this stage that no cognizable offence is made out. Whether the petitioner has committed any offence or not and how far is she accountable, is a matter which can be thrashed out by the Investigating officer. We see no reason to interfere in the matter at this stage.

We accordingly **dismiss** this writ petition, however, without prejudice to the rights of the petitioner in the pending investigation and also to seek other remedies such as under Section 43 Cr.P.C..

Order Date :- 28.10.2023/Lokesh Kumar

[Ajai Kumar Srivastava-I, J.] [Rajan Roy, J.]