

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 6744 of 2023

Petitioner :- Juned Ahmad

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

Counsel for Petitioner :- Amar Singh, Jai Vardhan
Srivastava

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Heard learned counsel for the petitioner, learned AGA who appear on behalf of State-respondents and perused the record.

This writ petition has been filed with a prayer to issue a writ, order or direction in the nature of Certiorari for quashing of the impugned First Information Report dated 19.9.2021 registered as Case Crime No. 0323 of 2021 under Sections 419, 420, 467, 468, 471 IPC at P.S. Wazirganj, District Gonda and for a direction to the respondents not to arrest the petitioner pursuant to the impugned FIR.

Learned counsel for the petitioner has pointed out earlier order passed by this Court on 16.11.2023 wherein learned AGA was directed to seek instructions as to whether the Investigating Officer has approached the court concerned for issuance of non-bailable warrants under Section 82, 83 Cr.P.C. against the absconding accused or not.

Learned AGA has produced before this Court a copy of the written instructions dated 23.11.2023 sent by Sri Brijesh Kumar, Sub Inspector, P.S. Wazirganj, District Gonda wherein it has been stated that charge sheet has been prepared and filed in Court against three named accused on 21.1.2022. On further investigation, the name of the petitioner-Juned Ahmad and one Wakil Khan has surfaced. Juned Ahmad was the then Lekhpal and Wakil Khan was the then Gram Pradhan of the village concerned, they prepared forged documents for issuance of domicile certificates. The petitioner-Juned Ahmad has been absconding and not cooperating in the investigation. The Court of Senior Judge, FTC New, Gonda was approached on 26.10.2023 by the Investigating Officer for issuance of non bailable warrant after the Investigating Officer made all efforts to nab the petitioner who remained absconded.

Charge sheet under Sections 419, 420, 467, 468, 471 IPC has also been prepared on 17.11.2023 against accused Wakil Khan which has been submitted to the Supervisory

Authority whereas with regard to the petitioner although attempt has been made by the Investigating Officer, he could not nab him. The investigating is going on against the petitioner.

Sri Vivek Pandey, Advocate has filed his Power on behalf of opposite party no. 4 which is taken on record. He says that the petitioner was working as Lekhpal and he prepared forged documents along with Gram Pradhan, Wakil Khan which fact has come to light during the course of argument.

After having examined the submissions advanced by learned counsel for the parties and perused the impugned FIR, we are of the opinion that the impugned FIR discloses cognizable offence against the petitioner, hence, no interference is called for by this Court in its extraordinary power under Article 226 of the Constitution of India for quashing of the FIR or for grant of any interim relief to the petitioners and accordingly, the present writ petition is **dismissed**.

Order Date :- 29.11.2023

AKK