

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7785 of 2023

Petitioner :- Mohammad Aquib Naseem

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

Counsel for Petitioner :- Ajay Kumar Singh

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 appears 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 First Information Report dated 22.9.2021 registered as Case Crime No. 0737 of 2021 under Sections 409, 420 IPC at P.s. Gomti Nagar, District Lucknow and for a direction to the respondents not to arrest the petitioner pursuant to the impugned FIR.

It has been submitted by the learned counsel for the petitioner that there is no specific allegations made against the petitioner. The petitioner is real younger brother of the Managing Director of the company and has worked for only two years at the time of initial starting of the company as its authorized signatory. Thereafter the petitioner ceased to be its authorized signatory. No agreement has been executed by the petitioner. Moreover, on 22.9.2023 a compromise has taken place between the company and the wife of the opposite party no. 5, copy of such compromise is annexed as Annexure-2 to the petition. The total amount that was paid by the wife of opposite party no. 4 to the petitioner's company has been paid through cheque No. 956516 dated 22.9.2023 drawn on the State Bank of India, SGPGI Branch, Lucknow.

Learned AGA has produced before this Court a copy of the detailed written instructions dated 9.10.2023 sent by Inspector, Prehlad Pandey, Economic Offences Wing, U.P. Lucknow wherein a detailed mention has been made of the modus operandi of the company whose head was Rashid Naseem. The Shine City Infra Project Private Ltd. has fooled several people in the City of Lucknow.

The said instructions are kept on record.

The writ petition is **disposed** of with a direction to the petitioner to approach the Investigating Officer, the opposite party no. 4 along with the opposite party no. 5 to

get the alleged compromise, which has been entered into between the parties, duly verified within one week. The Investigating Officer concerned shall proceed in accordance with law thereafter.

Order Date :- 10.10.2023

AKK