

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7982 of 2023

Petitioner :- Ashutosh Kumar Mishra

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

Counsel for Petitioner :- Pawan Kumar Tiwari

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Karunesh Singh Pawar,J.

1. Heard learned counsel for the petitioner, learned A.G.A. for the State and learned counsel for the private respondent.

2. Counter affidavit filed by the learned counsel for the respondent is taken on record.

3. This petition has been filed with the following main prayer:-

"to issue a writ order or direction in the nature of certiorari to quash the FIR on 19-9-2023 in Case Crime No.183/2023 U/s 406, 420, 467, 468, 471 and 506 of the I.P.C., Police Station Munshiganj, District Amethi by the opposite party no.4 against the petitioner contained as annexure No.1 to the writ petition."

4. It has been submitted by learned counsel for the petitioner that the petitioner has been falsely implicated. In fact, the truth is that the petitioner had given Rs.3 lakhs to the informant to buy an agricultural land from him. On failure to do so, when the petitioner demanded his money, the informant lodged the impugned F.I.R.

5. This Court has perused the F.I.R. Specific allegations have been made that the informant had bought a truck having registration No.UP36 T 7970. The petitioner had assured the informant that he will get an All India Carrier Permit issued for the same. For the said purpose, the informant transferred Rs.37,000/- into the account of one Dinesh Yadav from where the amount was transferred to the account of the petitioner. The

informant under the impression that he had a real All India Carrier Permit issued to him, started plying his vehicle, but the R.T.O. caught him in District Siwan, Bihar and imposed a challan of Rs.21,000/- for plying the vehicle without permit, then only the informant came to know that in fact no permit at all has been issued by the Transport Department. The petitioner has forged the document and told the informant that it was All India Carrier Permit issued by the Transport Authority.

6. After having examined the submissions advanced by learned counsel for the parties and perused the impugned F.I.R., we are of the opinion that the impugned F.I.R. discloses cognizable offence by 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 F.I.R. or for grant of any interim relief to the petitioner and accordingly, the present writ petition is ***dismissed***.

Order Date :- 13.10.2023
Rahul