

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8054 of 2023

Petitioner :- Javed Ahmad

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

Counsel for Petitioner :- Amit Sachan, Ajay Kumar Yadav

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Karunesh Singh Pawar, J.

1. Heard learned counsel for the petitioner and learned A.G.A. who appears on behalf of the State Respondents.

2. This petition has been filed with the following main prayers:-

"(i) Issue a writ, order or direction in the nature of Certiorari thereby quashing the impugned impugned F.I.R. no. 0293/2023, U/S-419, 420, 467, 468, 471, 406, 323, 506 I.P.C., P.S.- Jaayas, District - Amethi lodged by the opposite party no. 4 on 20/09/2023 at 23:28 hours annexed as annexure no.1 to this writ petition.

(ii) Issue a writ, order or direction in the nature of mandamus commanding the opposite party no. 2 & 3 not to arrest or adopt any coercive measures against the petitioner on the basis on the impugned F.I.R. no. 0293/2023, U/S-419, 420, 467, 468, 471, 406, 323, 506 IP.C., P.S.- Jaayas, District Amethi lodged by the opposite party no. 4 on 20/09/2023 at 23:28 hours annexed as annexure no.1 to this writ petition."

3. It has been submitted by the learned counsel for the petitioner that the petitioner is completely innocent and has falsely been implicated in the impugned F.I.R. The allegation in the F.I.R are that on 29.01.2022, the informant transferred an amount from his brother, namely, Shahid Khan mobile phone into the petitioner's account through UPI. Such money was also sent to five other members. One of the co-accused Shahbaj Akhtar took Rs.15,40,000/- from the informant in the name of getting the job in the Army. No such job was provided.

4. It has been submitted by learned counsel for the petitioner that there is a delay of 18 months in lodging the F.I.R. The

petitioner's relative Mohd. Arif had lodged the F.I.R. No. 0332 of 2022 under Sections 419, 420, 467, 468, 471, 504, 506 of the I.P.C. at Police Station- Jammo, District- Amethi on 18.11.2022 in which the informant's brother was an accused and was arrested and sent to jail, he was released on bail on 04.08.2023. The impugned F.I.R. in this writ petition is a counter-blast of F.I.R. No. 0332 of 2022.

5. This Court has perused the impugned F.I.R. and finds a cognizable offense to be made out as a substantial amount of money has been transferred through UPI. Such UPI transactions are genuine transactions and are regularly recorded in Bank statements, if the allegations as made in the F.I.R. is not substantiated by the Bank statements, the Investigating Officer can take appropriate steps. Insofar as the F.I.R. is concerned, it shows cognizable offense to have been committed by the petitioner.

6. The writ petition stands ***dismissed***.

Order Date :- 17.10.2023

Darpan Sharma