

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8117 of 2023

Petitioner :- Rakesh Yadav

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

Counsel for Petitioner :- Shyam Kinkar Pandey, Avadhesh Mishra, Naseem Ahamad

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 quashing the FIR bearing FIR No.0270 of 2023 under section 420, 467, 468 I.P.C. registered at police station Aalapur, District Ambedkar Nagar for securing the ends of justice.

II. Issue a writ, order or direction in the nature of Mandamus, commanding the opposite parties not to arrest the petitioner in FIR No.0270 of 2023 under section 420, 467, 468 I.P.C. registered at police station Aalapur, District Ambedkar Nagar, in the interest of justice."

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 alleging that he is the Manager of S. R. Nursing and Paramedical Institute, Achhati, Ram Nagar, Ambedkar Nagar, although he was only a caretaker, the Manager of the said institute is Acchey Lal Yadav.

4. This Court has gone through the F.I.R. and finds that several informants, namely, Gayatri Devi, Anita Devi, Jyoti Singh, Archana Prajapati, Nisha Devi, Gayatri Devi, Priyanka and Jyoti has jointly alleged the F.I.R. against the petitioner because they had been given a forged mark-sheet of Assistant Nursing and Midwifery Course saying that the institute is affiliated to the Abdul Kalam Group of Education. When the

informants actually went for job they came to know that the petitioners had no institute as such, it was not a recognized institute. Several of students were fooled into paying fees, which amounted to Rs. 10,00,000/-.

5. This Court finds no good ground to show interference in the impugned F.I.R.

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

Order Date :- 18.10.2023

Darpan Sharma