

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8230 of 2023

Petitioner :- Rakesh Pandey And Others

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

Counsel for Petitioner :- Pankaj Pandey

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

1. Heard learned counsel for the petitioners, Sri Yogesh Kesarwani, learned counsel for the private respondent and learned A.G.A. for the State.

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

"Issue an appropriate writ, order or direction in the nature of Certiorari quashing the impugned F.I.R. dated 30.3.2023 registered as F.I.R./ Case Crime No.096 of 2023, Under Section-419, 420, 406, 467, 468, 471, 504, 506 I.P.C. & 138 N.I. Act Police Station- Banthra, District Lucknow, as a annexure no.1."

3. It has been submitted by learned counsel for the petitioners that petitioners are the Managing Director and employees of one company by the name of Dishadeep Developers Pvt. Ltd. situated in Village Khatola, Pargana Bijnor, Tehsil Sarojani Nagar, Police Station Banthra, District Lucknow. The respondent no.3 had deposited certain amount with the petitioners for allotment of plot of land to him after its development is carried out by the petitioners' Company. The amount that was deposited could not be returned in time along with interest because of Covid-19 pandemic. The respondent no.3 got annoyed and has lodged the impugned F.I.R.

4. It has been submitted that the petitioners and respondent no.3 had entered into the settlement on 30.11.2022 before the Investigating Officer, Police Station Banthra and petitioners had

accepted to pay Rs.35 lakhs to the respondent no.3 through seven cheques of Rs.5 lakhs each, which were given to him. The rest of the amount was agreed to be paid by March, 2024. However, cheques bounced as a result the impugned F.I.R. has been lodged.

5. Learned counsel for the private respondent has pointed out the misrepresentation made by the petitioners in paragraph-21 of the writ petition, wherein it has been stated that petitioners are people of clean antecedents and they have no criminal history.

6. Learned counsel for the respondent no.3 has produced before this Court copies of F.I.R. lodged on 28.09.2023 and 30.06.2023 under Sections 406 and 420 of the I.P.C. against the petitioners for similar acts of cheating with other gullible investors.

7. Learned counsel for the petitioners says that he does not have any knowledge of the F.I.R.s lodged against petitioners.

8. This Court having perused the contents of the F.I.R.s dated 30.06.2023 and 28.09.2023, and also the impugned F.I.R., finds that petitioners cannot said to be completely innocent and it cannot be said that they have no knowledge of F.I.R.s, which have been lodged more than four months ago from the date of drafting the writ petition.

9. 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 petitioners, 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 petitioners and accordingly, the present writ petition is ***dismissed***.

Order Date :- 1.11.2023

Rahul