

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8769 of 2023

Petitioner :- Shivshankar Dixit

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

Counsel for Petitioner :- Ajmal Khan, Javed Khan

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Heard learned counsel for the petitioner and learned A.G.A. for the State-respondents.

This petition has been filed praying the following reliefs:-

(a) Issue a writ, order or direction in the nature of certiorari thereby quashing the impugned first information dated 26.4.2022 vide case crime no. 193 of 2022 under Section 409 I.P.C., lodged at Police Station- Mishrit, District- Sitapur as contained in Annexure-1 to this writ petition.

(b) Issue a writ, order or direction in the nature of mandamus commanding the opposite party no. 2 and 3 not to harass, detain or prosecute the petitioner in pursuance of the impugned F.I.R.

It has been submitted by the learned counsel for the petitioner that the petitioner is cashier and he had no role to play in forging the documents. His duty is only to make payments of bills that are presented to him.

This Court has also perused the F.I.R. instructions that have been sent by the Inspector, Prevention of Corruption Organization, Lucknow Region, Lucknow and duly signed by the Prosecution Officer of the said Organization wherein it has been stated that the petitioner, who was working as a cashier was responsible for making payments of bills that were presented to him but he made less payment than was mentioned in the bill and gave receipts that were of a greater amount as mentioned in bill although payment was done of lesser amount .

The Court having perused the impugned F.I.R. finds that Inspector/ Investigating Officer deputed for conducting investigation by Prevention of Corruption Organization,

Lucknow has also been involved in the forging of the documents and in removing relevant evidence and therefore, he has been implicated, this Court finds no ground to show interference.

The writ petition is, accordingly, **dismissed**.

Order Date :- 8.12.2023

Anuj Singh