

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8833 of 2023

Petitioner :- Jai Praksh Chaudhary @ Jai Prakash And 2 Others

Respondent :- State Of U.P. Thru. Secy. Home Deptt. Civil Sectt. Lko And 3 Others

Counsel for Petitioner :- Mohd. Muballi Gussalam, Mohd. Khalid Amin Khan

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Mrs. Jyotsna Sharma, J.

Heard learned counsel for the petitioners and learned A.G.A. for the State.

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

"Issue a writ, order or direction in the nature of certiorari to quash the impugned first information report dated 03.11.2023 registered against petitioners at Case Crime no. (F.I.R. No.) 0430/2023, U/s-409/420/504/506 I.P.C., P.S.- Gudamba, Lucknow, contained as Annexure No.1 to the writ petition including the criminal proceedings initiated against the petitioners."

It has been submitted by learned counsel for the petitioners that the petitioners are not Government Servant and, therefore, Section 409 of the I.P.C. is not made out against them and it could not have been invoked. The entire story as mentioned in the F.I.R. is false. They have been falsely implicated.

Learned A.G.A., on the other hand, has produced before this Court instructions dated 15.11.2023 sent by Sri Trivikram Singh, Sub Inspector, P.S. Gudamba, District Lucknow, wherein it has been stated that petitioners constituted a Firm which fooled several persons into believing that they were going to get the benefit of Pradhanmantri Awas Yojana, if certain amount is deposited in their Firm. During the course of investigation, certain amount has also been found to have been deposited in the account of the Firm Devanchal

Infra Heights.

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 :- 18.11.2023
Rahul