

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8845 of 2023

Petitioner :- Deepak Pathak

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

Counsel for Petitioner :- Anand Kanaujia, Manish Srivastava

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.

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

"to issue a writ, order or direction in the nature of Certiorari quashing the impugned FIR dated 02/11/2023 registered as FIR no.0466 of 2023 under Section 419, 420, 467, 468, 471 and 506 of I.P.C., at Police Station- Antu, District- Pratapgarh, contained in Annexure No1, to this writ petition, so far as it relates to the petitioner."

It has been submitted by learned counsel for the petitioner that in the impugned F.I.R., the prosecution story is that the petitioner as well as other co-accused Sushil Pathak S/o Radheyshyam Pathak, had made forged documents to get loan of Rs.3,00,000/- from U.P. Gramin Bank Gadwara, Pratapgarh.

It has also been submitted that petitioner is completely innocent and has been falsely implicated in the impugned F.I.R. The co-accused Sushil Pathak is the cousin of the petitioner and he forged the document by using photograph of the petitioner.

Learned A.G.A. has opposed the prayer for quashing of the First Information Report and submitted that cognizable offence is made out against the petitioner in the impugned F.I.R., therefore, the present writ petition is liable to be dismissed.

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 :- 20.11.2023

Rahul