

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8853 of 2023

Petitioner :- Mohammad Wais

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

Counsel for Petitioner :- Javed Khan,Ajmal Khan

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

(1) Heard the learned counsel for the petitioner and the learned A.G.A. who appears for the Opposite party nos.1, 2 & 3.

(2) This petition has been filed by the petitioner for the following main prayer:-

"1) Issue a writ, order or direction in the nature of Certiorari quashing the impugned First Information Report dated 16.08.2023 vide Case Crime No.247 of 2023, under Sections 420, 467, 468, 471 I.P.C. at Police Station Mohanganj, District Amethi, against the petitioner (contained as Annexure No.1)."

(3) It has been submitted by the learned counsel for the petitioner that the petitioner is not named in the F.I.R. and he has been falsely implicated in the impugned F.I.R.

(4) Learned A.G.A. has produced before this Court the instructions sent by Shrichandra, the Inspector of Police Station Mohanganj, District Amethi, wherein it has been stated that Respondent no.4, Branch Manager of Baroda Gramin Bank, Branch Shahmau, Police Station Mohanganj, District Amethi, has lodged the impugned F.I.R. wherein it has been stated that in his Bank Branch, Ram Kali wife of Ram Avtar, Ramraja wife of Thakurdeen, Bheekhana Devi wife of Maharajdeen, Brijlal son of Matadeen and Ram Pyare son of Puttu were account holders, they all died on various dates. However, on the basis of forged vouchers money was transferred from their accounts to other accounts. On 18.07.2023, the Cashier of the said Bank namely Shubham Dixit, had objected to such transfer of money. The Branch Manager

of the said Bank of Baroda, at that time, was the petitioner-Mohammad Wais, who had used his Office to transfer the money of the deceased Account Holders to other Bank accounts. Shubham Dixit, thereafter made a complaint to the Regional Office of the Bank. The Regional Office of the Bank thereafter directed the Senior Branch Manager to conduct an enquiry. The enquiry was conducted and the amount that was wrongly transferred by the petitioner from the deceased Account holders, was transferred back into their accounts. Thereafter, the impugned F.I.R. has been lodged.

(5) The said instructions be kept on record.

(6) This Court does not find any good ground to interfere in the matter.

(7) The writ petition stands ***dismissed.***

Order Date :- 20.11.2023

N.PAL