

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9288 of 2023

Petitioner :- Akanksha Shakya Chandra And Another

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

Counsel for Petitioner :- Pankaj Prasoon, Gayatri Abhyasi, Parashu Ram Kanaujia

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

1. Heard learned counsel for the petitioners, learned A.G.A. who appears on behalf of the State Respondents and Sri Shailender Singh Chauhan, Advocate who has filed his vakalatnama on behalf of the Opposite Party No.5, which is taken on record.

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

"I. Issue a writ, order or direction in the nature of Certiorari thereby quashing the impugned first information report dated 28.10.2023, registered against the petitioners as Case Crime No:0561/2023, under section 409, 420, 506 IPC at Police Station Vibhuti Khand, Gomti Nagar, Lucknow in the interest of justice.

II. Issue a writ, order or direction in the nature of Mandamus commanding the opposite parties to not interfere in the peaceful life and personal liberty of the petitioners in any manner in the interest of justice."

3. Learned counsel for the petitioners says that they are also victims as they have also invested money in 'Erected Spire Private Limited', but they have been made accused alongwith Preeti Singh, Ashutosh Singh and Mukesh Kumar who are the Directors of the Company. Ashutosh Singh and Mukesh Kumar, the Directors of the Company had motivated the petitioners and convinced them to work with them and in lieu thereof the petitioners were offered interesting Commissions, bonuses and dividends. The petitioners had no role to play in cheating, if any, done by the Directors of 'Erected Spire Private Limited' with their investors.

4. Learned counsel appearing on behalf of the opposite party

no.5 has pointed out that the petitioners have admitted that they were instrumented in getting several investors to invest in 'Erected Spire Private Limited' which was running a ponzy scheme only for the benefit of commissions, bonuses and dividends that the company was offering them to lure such investors. The petitioners are equally responsible.

5. It has also been submitted that nearly Rs.25,00,00,000/- have been gobbled up by the Directors of the Company and the petitioners are also the beneficiary as they may be getting commissions, bonuses and dividends due to such investments of poor and honest people.

6. This Court finds no good ground to interference in the impugned F.I.R.

7. The writ petition is ***dismissed***.

Order Date :- 7.12.2023

Darpan Sharma