

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9356 of 2023

Petitioner :- Rohit Rajput And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Lko. And 3 Others

Counsel for Petitioner :- Sonu Gupta, Abdul Samad, Syed Mohammad Abid

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

1. Heard learned counsel for the petitioners and learned A.G.A. who appears on behalf of the State Respondents.

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

"(i) to issue a writ or order in the nature of Certiorari to quash the impugned First Information Report lodged by the informant/opposite party no.4, vide F.I.R. No. 0415 of 2023, U/S 420, 467, 468, 471, 506 I.P.C. & 138 N.I. Act, 1881, P.S. Khiron, District- Rae Bareli, against the petitioners (contained as ANNEXURE NO.1 to this writ petition), in the interest of justice.

(ii) to issue a writ, order or direction in the nature of mandamus commanding the opposite party no.3, not to arrest the petitioners on the basis of impugned first information report."

3. It has been submitted by the learned counsel for the petitioners that the petitioners have been falsely implicated in the impugned F.I.R. The opposite party no. 4 is an active political worker and he worked in the election campaign of the co-accused, Rahul Rajput who is a sitting MLA of the Samajwadi Party.

4. It has also been submitted that the Rohit Rajput, petitioner no.1, is the practicing Advocate and Bar Council of U.P. has issued a card to him also.

5. This Court has gone through the F.I.R., from the same it is evident that the petitioners alongwith the co-accused made out

to the complainant that they will get him employed as a Government Servant. A forged appointment letter issued from the Food Corporation of India was also given to the complainant. Rupees Nine Lacs were taken from the complainant as extraneous consideration for getting Government Job. When the complainant wanted his money to be returned to him a cheque of Rs. 9,00,000/- was given by the co-accused, Rahul Rajput. Such cheque has also bounced.

6. This Court finds that there are sufficient material in the F.I.R. making out a cognizable offence to have been committed by the petitioners.

7. There is no good ground to show interference in the impugned F.I.R. The writ petition stands ***dismissed***.

Order Date :- 11.12.2023

Darpan Sharma