

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9656 of 2024

Petitioner :- Mithlesh Kumar And Others

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

Counsel for Petitioner :- Vishwa Nath Singh, Shiv Kumar Yadav

Counsel for Respondent :- G.A.

Hon'ble Vivek Chaudhary, J.

Hon'ble Om Prakash Shukla, J.

Heard learned counsel for the petitioners and learned A.G.A. for the State as well as perused the record.

The instant writ petition has been filed seeking following main relief:-

"(I) Issue a writ, order or direction in the nature of Certiorari thereby quash the impugned First Information Report dated 09.12.2024 which has been lodged by the complainant/opposite party No.4 as F.I.R./Case Crime No.0563/2024, under Sections 316(5), 318(4), 336(3), 340(2), 352, 351(2), 61(2) & 338 B.N.S., Police Station Safdarganj, District Barabanki."

Sole submission of counsel for the petitioner is that the petitioner is only a collecting agent of company and, therefore, he has no role.

It is admitted that petitioner was working for the company which has committed fraud by collecting money. Whether petitioner had any role or not can only be determined by way of investigation. From the reading of F.I.R., a cognizable offence is made out.

The writ petition is accordingly **dismissed**.

(Om Prakash Shukla, J.) (Vivek Chaudhary, J.)

Order Date :- 18.12.2024/Saurabh