

Court No. - 4

Case :- CRIMINAL MISC. WRIT PETITION No. - 31253 of 2018

Petitioner :- Devenra Kumar

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Anay Kumar Srivastava

Counsel for Respondent :- G.A.

Hon'ble Bala Krishna Narayana,J.

Hon'ble Krishna Pratap Singh,J.

Heard learned counsel for the petitioner and learned AGA for the State.

This writ petition has been filed by the petitioner with a prayer to issue a writ, order or direction in the nature of certiorari quashing the impugned F.I.R. dated 13.10.2018 in Case Crime No. 752 of 2018 under Sections 419, 420, 467, 468, 471 I.P.C., P.S.- Koshikala, District- Mathura.

It has been submitted by the learned counsel for the petitioner that the allegations made in the impugned F.I.R. regarding commission of offence by the petitioner under the aforesaid sections are palpably false and moreover the same do not disclose any cognizable offence. The impugned F.I.R. is thus liable to be quashed.

From the perusal of the impugned F.I.R., it appears that on the basis of the allegations made therein, a *prima facie* cognizable offence is made out. There is no ground for interference in the F.I.R. Therefore, the prayer for quashing the impugned F.I.R. is refused.

However, considering the nature of the allegations made in the F.I.R. and submissions made by learned counsel for the petitioner, it is directed that in case the petitioner appears before the court concerned within thirty days from today and applies for bail, the same shall be heard and disposed of expeditiously by the courts below in view of the settled law laid by the Seven Judges' decision of this Court in the case of **Amrawati and another Vs. State of U.P.** reported in **2005 Cr.L.J. 755** as well as judgement passed by Hon'ble Apex Court in **2009 (3) ADJ 322 (SC) Lal Kamlendra Pratap Singh Vs. State of U.P.**

It is further provided that if the investigation in this matter has been completed and police report under Section 173(2) Cr.P.C. has been filed, the petitioner shall not be entitled to any benefit of this order.

With the above directions, this petition is disposed of finally.

Order Date :- 31.10.2018

Shalini