

Court No. - 48

Case :- CRIMINAL MISC. WRIT PETITION No. - 5513 of 2020

Petitioner :- Deshraj Singh

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

Counsel for Petitioner :- Sanjay Kumar Singh,Indrakesh Kumar Sharma

Counsel for Respondent :- G.A.

Hon'ble Manoj Misra,J.

Hon'ble Anil Kumar-IX,J.

Heard learned counsel for petitioner, learned A.G.A. for respondent nos. 1, 2 & 3 and perused the record.

The instant petition seeks quashing of the First Information Report dated 04.02.2020 registered as Case Crime No. 0030/2020, under Sections 419, 420, 467, 468, 471, 504 & 506 I.P.C. and Section 3(1)(X) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 P.S.- Sarai Akil, District-Kaushambi.

On 16.06.2020, counter affidavit was invited from the respondents. The office has submitted report that notice was issued to respondent no. 4, fixing 17.08.2020, but neither undelivered cover nor acknowledgement has been received back. No one is present on behalf of respondent no. 4 and no counter affidavit has been filed by any of the respondents.

The contention of learned counsel for petitioner is that the petitioner is an employee in Haldhar Realty Enterprises Limited and was transferred from Allahabad Branch to Udaipur Branch. It has been submitted that certain deposits were accepted by the employer. According to the allegations in the impugned first information report, the informant made monthly deposit of Rs. 500/- for five years under the belief that, upon maturity, she would get Rs. 42,500/- but the said amount was not paid to her. She has also alleged that the amount has been withdrawn by making forged signatures. It is also alleged in the impugned first information report that petitioner had abused her by using caste related words when she contacted the petitioner for return of her money.

It has been submitted that the allegations are false because by the time informant allegedly contacted the petitioner for money, the petitioner had already been posted out. The allegation that caste related abuses were used is nothing but false because the petitioner is not even aware about the caste of the informant as he has no relations with the respondent no. 4. It has been submitted that dispute is between the respondent no. 4 and the company, which discloses only a civil cause of action.

Since the allegations are to the effect that by using false signatures money was withdrawn, the matter would require investigation and, therefore, the prayer to quash the first information report cannot be accepted, at this stage.

However, considering the facts and circumstances of the case, we deem it appropriate to **dispose off** this petition by providing that investigation of the case shall continue and brought to its logical conclusion but petitioner shall not be arrested in the above case till submission of police report under Section 173(2) Cr.P.C. provided he co-operates in the investigation and make himself available for interrogation as and when required by the investigating agency and shall also provide his specimen signature and documents in his possession, if required by the investigating agency. Any failure in that regard shall automatically discharge the protection granted above.

Order Date :- 31.8.2020

Sharad/-