

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 12213 of 2023

Petitioner :- Smt. Lata And Another

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Lalit Kumar Shukla

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Anish Kumar Gupta,J.

Connect with Criminal Misc. Writ Petition No.198 of 2022_

Heard Sri Satyendra Narayan Singh, learned counsel for the petitioners and learned A.G.A for the State respondents.

The relief sought in this petition is for quashing of the F.I.R. dated 26.03.2022 registered as Case Crime No. 171 of 2022, under Sections 420, 467, 468, 471, 120B I.P.C., Police Station Kotwali, District Mathura.

The contention of learned counsel for the petitioners is that the respondent No.3, the first informant, is a Branch Manager of State Bank of India and had lodged the impugned FIR, alleging therein that the petitioners amongst others availed gold loan from various branches of State Bank of India. The gold offered as collateral for the gold loan was accepted relying upon a report of one Hemendra Prakash Verma, who had earlier been authorized to check the quality of the gold offered as collateral. However, subsequent rechecking revealed that the gold was, in fact, not gold and had no value at all.

Consequently, the impugned FIR has been lodged against the person, who certified the gold offered by the petitioners to be pure gold as also the persons who availed the gold loan including the petitioners.

The contention of learned counsel for the petitioners is that the allegations are basically against Hemendra Prakash Verma. The gold offered by the petitioners was pure and the allegations to the contrary in the impugned FIR are incorrect.

Upon hearing learned counsel for the parties, it is directed that the petitioners shall not be arrested consequent to the impugned FIR

till the next date of listing or till submission of police report under Section 172 Cr.P.C. subject to them providing adequate security, other than cash or bank guarantee, for the loan of Rs.10 lacs availed by each of them. The security provided shall be to the satisfaction of the Magistrate concerned.

In the meantime, learned AGA may file a counter affidavit within three weeks.

Learned counsel for the petitioner will have a week thereafter to file rejoinder affidavit.

List this petition for admission immediately after expiry of aforesaid period.

Order Date :- 7.8.2023

Aditya Tripathi