

(1998) 12 AHC CK 0001
In the Allahabad High Court
Case No : Criminal M.W.P. No. 13302 of 1995

Ramakant Purohit

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 09-12-1998

Acts Referred:

Penal Code, 1860 (IPC) — Section 409, 420

Citation : (1999) 3 ACR 2793

Hon'ble Judges : R.K. Singh, J;B.K. Roy, J

Bench : Division Bench

Judgement

B.K. Roy and R.K. Singh, JJ.—The prayer of the Petitioner is to quash the first information report, a plain copy of which has been appended as Annexure-1.

2. Two-fold submissions have been made by Mr. Manoj Mishra, learned Counsel appearing in support of the prayers made in this writ petition:

(i) The Petitioner relies on the certificate granted by the cooperative society to the effect that he had handed over the entire property which was in his charge and, accordingly, there was no question of any embezzlement of the properties under his charge.

(ii) More than 8 years have elapsed, but the police have not completed its investigation.

3. On a bare perusal of the impugned first information report prima facie it appears to us that a case has been made out against the Petitioner. The question as to whether the certificate granted by the Secretary of the Cooperative Society in question recites facts correctly or not is an aspect which is required to be considered firstly by the investigation team and then when the Petitioner places his defence before the criminal court and not for this Constitutional Court to express one way or the other.

4. True is that by now 8 years have elapsed as the Crime Case No. 28 of 1990 u/

s 409/420, I.P.C. was registered in 1990 but the Petitioner moved this Court in May, 1995. Keeping this fact in mind coupled with the fact that delay in the investigation cannot be a ground for quashing a first information report, we dismiss this writ petition. However, we observe that if the investigation has not been completed as yet its completion be expedited by the police authorities concerned.

5. The office is directed to hand over a copy of this order within one week to Sri Sudhir Mehrotra, learned A.G.A. for its communication to the Investigating Officer concerned for a follow up action.