

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 1312 of 2025

Petitioner :- Mahendra Pratap Srivastava

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Home Civil Sectt. Lko And 3 Others

Counsel for Petitioner :- Amol Kumar Srivastava, Shivang Dwivedi

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Brij Raj Singh, J.

1. Heard learned counsel for the petitioner and learned A.G.A. for the State Respondents.

2. This writ petition has been filed with the following main prayers:-

"a) Issue a writ, order or direction in the nature of Certiorari quashing the impugned First Information Report dated 20.08.2024, having F.I.R No. 0425 of 2024, U/S 409, 420, 468, 467, 471, 120 B of I.P.C and 66 of IT Act, at Police Station-Shushant Golf City, District-Lucknow, annexed as Annexure No. 2 to the Writ Petition.

b) Issue a writ, order or direction in the nature of Mandamus commanding the opposite parties not to arrest the petitioner in pursuant to the impugned First Information Report dated 20.08.2024, having F.I.R No. 0425 of 2024, U/S 409, 420, 468, 467, 471, 120 B of I.P.C and 66 of IT Act, at Police Station-Shushant Golf City, District-Lucknow, annexed as Annexure No. 2 to the Writ Petition."

3. Earlier writ petition filed by the petitioner was dismissed as withdrawn with liberty to file a fresh because during the course of investigation certain Sections have been added in the impugned F.I.R.

4. When the matter was taken up today, learned counsel for the petitioner has argued that the petitioner was contractually engaged as one of the trainers for educating the members of Ruby Coin Community with regard to Block Chain and Crypto Currency and the petitioner was not involved in any financial transactions and also the allegations made in the F.I.R. do not

show the involvement of the petitioner. He was also not involved in the development of software and he has no knowledge of any financial fraud or cheating having been done by Samir Keshari, the main accused. Moreover, the petitioner had tendered his resignation to Samir Keshari way back on 31.10.2023 as he was unable to train the members due to personal difficulty and health issues.

5. Learned A.G.A. for the State had been earlier granted time to seek instructions regarding involvement of the petitioner in the financial fraud having been carried out by Sameer Kesari the Chief Executive Officer of the company and other Board Members.

6. A copy of the said instructions has been produced before this Court, it has been sent by the Investigating Officer, Police Station Cyber Crime, District Lucknow, wherein it has been stated that Sri Mahendra Pratap Srivastava was one of the Board member of the Elite Club and he alongwith the main accused had induced innocent public to invest in virtual currency (Crypto Currency) by the name of Ruby Coin. Sri Mahendra Pratap Srivastava, the petitioner used to hold 'Zoom' meetings with intending investors to induce them into buying such Ruby Coin/Crypto Currency and other Board members used to call him "Zoom Baba" because of his expertise in inducing the innocent investors into investing in such Crypto Currency.

7. The written instructions are kept on record.

8. We have gone through the F.I.R and from the same it is evident that a cognizable offence has been made out against the petitioner. We therefore find no good ground to interfere in the impugned F.I.R.

9. The writ petition stands ***dismissed***.

Order Date :- 14.2.2025

Darpan Sharma