

Reserved on 19.05.2023

Delivered on 09.11.2023

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 1878 of 2023

Petitioner :- Veerpal Singh Yadav And 29 Others

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

Counsel for Petitioner :- Shiv Sagar Singh,Rajiv Lochan Shukla

Counsel for Respondent :- G.A.,Sunil Kumar Misra

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Ms. Nand Prabha Shukla,J.

Heard Shri Rajiv Lochan Shukla, learned counsel for the petitioner, Shri Sunil Kumar Mishra, learned counsel for the first informant and learned A.G.A. for the State.

The instant writ petition seeks quashing of the First Information Report dated 19.01.2023 arising out of Case Crime No. 0027 of 2023, under Sections 419, 420, 406, 409, 467, 468, 471 and 120-B IPC, Police Station Civil Lines, District Meerut.

As per the allegation in the FIR, the Society had transferred land to its members, erstwhile members and legal heirs of the deceased members and certain outsiders, causing huge financial loss to the Society and debarring the interest of the original/core members of the Society. As per various Audit Reports of the Society, there was misappropriation of funds by transferring the plots to the members, other members and non members of the Society which caused huge loss to the Revenue to the tune of Rs. 9.75 crores

The main contention of the learned counsel for the petitioners is that the petitioners are the members of the Central Bank, Karmachari, Sahkari, Awas Samiti Limited which is a self Financed Private Housing Society registered under the U.P. Cooperative Society Act. The object of the Society was to purchase land in bulk and transfer plots in favour of members in accordance with the byelaws and the Rules. The impugned FIR is an outcome of an illegal and malicious exercise based on false allegations at the instance of respondent no.3/ Cooperative Officer (Awas) in pursuance of the order of Assistant Housing

Commissioner/ Registrar (Awas) vide Letter No.4776 dated 10.01.2023.

It has further been contended that the the plots have been allotted in favour of the members only on the basis of no profit and no loss at the uniform rate of Rs.130 per square meter as is evident from the minutes of the Committee.

Per contra, learned counsel for the first informant and learned A.G.A. for the State have vehemently opposed the aforesaid petition referring to Rule No. 4 (gha) of the byelaws which exclusively provides that land/houses shall be provided only to the members of the Society. The relevant provision reads as follows:

"(ख) समिति द्वारा प्रस्तर-क में वर्णित व्यवस्था के अनुसार भूमि क्रय करने के पश्चात क्रय की गयी भूमि का विधिवत् भू विन्यास मानचित्र स्वीकृत कराकर विकास/ निर्माण करते हुए अपने सदस्यों के पक्ष में भूखण्डों /भवनों का विधिवत् आवंटन/पंजीकरण करेगी।

समिति भू क्रय अनुबन्ध पत्र, विक्रय पत्र तथा भूखण्ड आवंटन की सूचना उप आवास आयुक्त/उप निबन्धक, सहकारी समितियाँ (शहरी क्षेत्र) को प्रेषित करेगी।"

Upon hearing learned counsel for the parties and upon perusal of the record, we find that the submissions made on behalf of the petitioners are his defence which cannot be looked into while dealing with the writ petition seeking quashing of the First Information Report.

Moreover, the allegations made in the First Information Report clearly disclose commission of cognizable offence and the allegations are serious in nature. Therefore, prayer of the petitioners to quash the First Information Report is completely misconceived and is rejected.

The writ petition is, therefore, **dismissed** without prejudice to the right of the petitioners to apply for bail/anticipatory bail.

Order Date :- 9.11.2023

Monika