

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 14640 of 2023

Petitioner :- Raghvendra Yadav And 3 Others

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

Counsel for Petitioner :- Kamal Krishna Roy,Prabal Pratap

Counsel for Respondent :- C.S.C.,Amit Kumar Singh,Km Astha

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Shri K.K. Roy, learned counsel for the petitioners, Shri Vishwajeet Mukhrjee holding brief of Shri Amit Kumar Singh, learned counsel for the complainant and Shri Vibhav Ojha, learned A.G.A for the State respondents.

2. The relief sought in this petition is for quashing of the F.I.R. dated 02.09.2023, registered as Case Crime No. 0271 of 2023, under Sections 420, 467, 468, 471 IPC, Police Station- Friends Colony, District Etawah. Further prayer has been made not to arrest the petitioners in the aforesaid case.

3. Learned counsel for the petitioners submits that they are the *bona fide* purchaser of land vide sale deed dated 24.03.2022 from one Ranjeet Singh. He further submits that they have no concern with any forgery whatsoever nature in the instant case and have been falsely implicated by the informant. In support of his arguments, learned counsel for the petitioners has relied upon following judgments:-

(i) Paramjeet Batra vs. State of Uttarakhand, 2013 (11) SCC 673

(ii) R. Nagender Yadav vs. the State of Telangana and Another, 2023 (2) SCC 195

4. *Per contra*, learned counsel for the complainant submits that the petitioners are the beneficiary of a sale deed which has been registered on the strength of forged documents, and the same was registered by impersonating the complainant before the Sub Registrar on 08.02.2023 and 24.03.2023.

5. Learned AGA opposed the petition and submits that the impugned FIR was registered on 02.09.2023, and since then the investigation is in progress, and the Investigating Officer has to ascertain the role of accused persons on the basis of investigation. It is further submitted that the petitioners are the beneficiary of a piece of land, which was acquired on the basis of forged and fabricated documents; there are certain allegations of forgery, and creation of forged and fabricated documents to drive undue benefits by the petitioners. On the plain reading of the impugned FIR, *prima facie*, a cognizable offence is made out against the petitioners.

6. *Prima facie*, cognizable offence is made out against the petitioners; there are allegation of creation of forged documents against the petitioners; no ground has been shown by the learned counsel for the petitioners which attracts ratio culled out by the Hon'ble Supreme Court in the case of ***State of Haryana and others vs. Bhajan Lal and others, 1992 Supp. (1) SCC 335*** , hence, no interference under Article 226 of the Constitution of India is warranted at this stage.

7. The writ petition is devoid of merit and is accordingly **dismissed.**

Order Date :- 18.10.2023

Nitendra