

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 14536 of 2023

Petitioner :- Dev Singh Rana And Another

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Vinod Shankar Tripathi, Krishna Dutt Awasthi, Vijai Shanker Tripathi

Counsel for Respondent :- G.A., Girja Shanker Sen, Krishna Dutt Awasthi

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. None present on behalf of the petitioners to press the present petition even in the revised call.
2. Shri Virendra Kumar Pal, learned A.G.A. for the State-respondents is present.
3. This writ petition has been filed for quashing the impugned First Information Report dated 8.8.2023, registered at Case Crime No.508 of 2023, under Sections 420, 467, 468, 471, 406, 506 IPC, Police Station Bhojipura, District Bareilly. Further prayer has been made not to arrest the petitioner in the aforesaid case.
4. Vide order dated 21.9.2023, the matter was referred to Mediation Centre. As per mediation report dated 3.11.2023, the amount of Rs.25000/- as directed by this Court, has not been deposited.
5. In view of paragraph-11 of the aforesaid order, interim order stands vacated. Accordingly, we proceed to consider the matter on merits.
6. On perusal of the record, it transpires that the petitioners are the recorded tenure holder of Gata No.915, 918, 920 ad-measuring total area of land 0.9730 hectare situated at village Prahladpur, District Bareilly. Further transpires that one Director of Rammurti Medical College wanted to purchase their land to construct the government hospital and because of this he started having enmity with the petitioners and the police in the influence of the complainant lodged the impugned FIR against the petitioners.

7. Learned A.G.A. points out that the petitioner no.1 has criminal history of six cases, whereas the petitioner no.2 has criminal history of four cases of similar nature and they are the land mafias, therefore, cognizable offence is made out.

8. *Prima-facie*, on plain reading of the contents of the impugned FIR, we find that the commission of a cognizable offence is made out. The arguments being raised by learned counsel for the petitioners is nothing but a defence of the petitioners that cannot be considered for the purpose of quashing of the impugned FIR. The petitioners have also failed to bring their case within the parameters of ***State of Haryana and others Vs. Bhajan Lal and others, 1992 Supp. (1) SCC 335***. Therefore, the extra-ordinary power vests with this Court cannot be invoked in the facts-circumstances of the case.

9. The writ petition is devoid of merits, and is accordingly, **dismissed.**

Order Date :- 3.11.2023

Anil K. Sharma