

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 14837 of 2023

Petitioner :- Omprakash And 3 Others

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

Counsel for Petitioner :- Sanjeev Kumar Singh

Counsel for Respondent :- G.A., Vishwanath Mishra

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Shri Sanjeev Kumar Singh, learned counsel for the petitioners, Shri Vishwanath Mishra, learned counsel appearing for the informant and Shri Surendra Singh, learned A.G.A. appearing for the State respondents.

2. The relief sought in this petition is for quashing of the First Information Report dated 23.7.2023 registered as Case Crime No. 622 of 2023 under Sections 419, 420, 467, 468, 471, 504, 506 IPC, Police Station Pipraich, District Gorakhpur. Further prayer has been made not to arrest the petitioner in the aforesaid case.

3. It is a prosecution case that the informant-Smt. Malti Devi lodged a First Information Report alleging that she is the owner of the land being Arazi No. 175 and 268 and the property has been devolved upon her through legal heirs and she is a poor and illiterate lady and the accused persons fraudulently got executed sale deed in their favour.

4. Submission of learned counsel for the petitioners is that the petitioners are bonafide purchaser of the land in question. Attention was drawn to certain orders passed by the revenue courts to substantiate his grievance that the petitioners have purchased the land from Bhagirathi, Ramdhari, Abhimanyu, Ram Sakal and Ram Surat, whose names were recorded as owners of the land in question.

5. *Per contra*, learned counsel appearing for the informant submits that the petitioners are brokers and has been indulging in execution of forged sale deed.

6. Learned A.G.A. submits that a false and fabricated sale deed has

been executed with respect to the land in question. It is is next submitted that the First Information Report is dated 23.7.2023 and the investigation is in progress and *prima facie* a cognizable offence is made out against the petitioners.

7. From perusal of the contents of the impugned First Information Report and the documents available on record, at the first instance, a cognizable offence is made out against the petitioners.

8. In such view of the matter, at this stage, no interference under Article 226 of the Constitution of India is made out.

9. Therefore, in the light of **State of Haryana and others vs. Bhajan Lal and others, 1992 Supp. (1) SCC 335** no interference is warranted with the impugned First Information Report.

10. Present petition is devoid of merits and is accordingly **dismissed**.

Order Date :- 27.10.2023

Lalit Shukla