

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 14733 of 2023

Petitioner :- Rampreet And Another

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

Counsel for Petitioner :- Om Prakash Pandey,Rahul Gaur

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard learned counsel for the petitioner and Sri G.P. Singh, learned A.G.A for the State respondents.

2. The relief sought in this petition is for quashing of the F.I.R. dated 13.5.2023 registered as Case Crime No. 0399 of 2023, under Sections 419, 420, 467, 468, 504, 506 IPC, Police Station Kasaya, District Kushi Nagar. Further prayer has been made not to arrest the petitioner in the aforesaid case.

3. Counsel for the petitioner submits that Jagat s/o Sahdev, brother of the petitioner no. 1, who was allegedly father of the petitioner went missing in 1986 and since then his whereabouts are not known. It is submitted that the land in question was subsequently mutated in his name in the year 1998 as his brother was unmarried and informant is not his son and there is no proof whatsoever of the same. It is submitted that much after mutation of the name of the petitioner in revenue record as back as in the yea 1998, the informant without raising any civil dispute has lodged this FIR with mala fide intention.

4. Per contra, learned AGA submits that during investigation it is revealed that the informant's father died on 4.6.2016 so therefore, there is no question of mutation in 1998.

5. Prima facie, on a plain reading of FIR, a cognizable offence is made out as it is surfaced during investigation that father of the first informant died in 2016 whereas mutation was carried out in the year 1998. Hence no case for quashing the FIR is made out.

6. Therefore, in view of the law laid down by Hon'ble Supreme Court in the case of State of Haryana and others vs. Bhajan Lal and others, 1992 Supp. (1) SCC 335 and M/s Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra, AIR 2021 SC 1918 and in Special Leave to Appeal (Crl.) No.3262/2021 (Leelavati Devi @ Leelawati & another vs. the State of Uttar Pradesh) decided on 07.10.2021, no case has been made out for interference with the impugned first information report.

7. Therefore, the writ petition is dismissed.

Order Date :- 19.10.2023

Abhishek