

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 15153 of 2023

Petitioner :- Ram Pratap And 6 Others

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

Counsel for Petitioner :- Vinod Kumar Shukla, Ashutosh Shukla

Counsel for Respondent :- G.A., Santosh Kumar Shukla

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Shri Vinod Kumar Shukla, learned counsel for the petitioners, Shri Santosh Kumar Shukla, learned counsel for the informant and Shri G.P. Singh, learned AGA for the State-respondents.

2. The present writ petition has been filed challenging the impugned F.I.R. dated 08.08.2023, registered as Case Crime No. 0237 of 2023, under Sections 420, 467, 468, 447, 504, 506, 384 IPC, Police Station Khergarh, District Firozabad.

3. The counsel for the petitioners submits that petitioner no. 4 and 5 purchased a land in question from the petitioner no. 1 against valid sale consideration whereas petitioner no. 2 and 3 are the witnesses, they have no role in the commission of the alleged offence. The petitioners have been falsely implicated by the respondent/first informant in the impugned FIR.

4. *Per contra*, learned counsel for the complainant submits that petitioner no. 4 and 5 purchased a land in question from petitioner no. 1 fraudulently without valid consideration. The petitioner no. 1 has no valid right, title and interest in the subject property. Therefore, the title cannot be transferred and therefore the petitioners have committed serious offences.

5. Learned AGA submits that the impugned FIR was registered on 08.08.2023 and there are serious allegations of forgery and transfer of land fraudulently.

6. Be that as it may, without going into the truthfulness of the contention raised by learned counsel for the parties, *prima-facie*, there are allegation of transfer of land without having right, title

and interest in the subject property. On plain reading of the impugned FIR, commission of cognizable offence has been made out.

7. The inherent power of the Court under Article 226 of the Constitution of India is permitted to be resorted to when documents relied upon by the accused demonstrate that no *prima facie* offence is made out on the face value of those materials and not otherwise, and if it is allowed to happen it would ensue disastrous and startling consequences. Moreover, the petitioner has failed to bring his case within the parameters compiled by the Supreme Court in **State of Haryana and others vs. Bhajan Lal and others, 1992 Supp. (1) SCC 335.**

8. The present petition is devoid of merit and is accordingly dismissed.

Order Date :- 31.10.2023

Ujjawal