

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 15517 of 2023

Petitioner :- Subedar Pandey And 4 Others

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

Counsel for Petitioner :- Shireesh Kumar Dwivedi, Anshul Kumar Singhal

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Shri Anshul Kumar Singhal, learned counsel for the petitioners and Shri Vivek Shukla, learned A.G.A for the State respondents.

2. The relief sought in this petition is for quashing of the F.I.R. dated 07.02.2023, registered as Case Crime No. 60 of 2023, under Sections 419, 420 I.P.C., Police Station Meja, District Prayagraj. Further prayer has been made not to arrest the petitioners in the aforesaid case.

3. Submission of learned counsel for the petitioners is that the informant is the recorded tenure holder of Gata No. 401 and he is not the owner of Gata No. 439 in question and he has lodged the impugned First Information Report without any locus and with *mala fide* intention. It is submitted that the petitioners are in possession over the land in question since 1985 and they were validly awarded Patta of an area of 0.0170 hectares land by the Land Management Committee and a competent authority has also approved the same, as such no offence under Sections 419, 420 I.P.C. is made out.

4. *Per contra*, learned A.G.A., on instructions, submits that an enquiry was conducted and the report has also been submitted that the signatures on Patta is forged and, therefore, commission of a cognizable offence is made out.

5. Perusal of the impugned First Information Report *prima facie* reveals commission of cognizable offence.

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. The writ petition is **dismissed**

Order Date :- 18.10.2023

Shafique