

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 16408 of 2023

Petitioner :- Sachin And 3 Others

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

Counsel for Petitioner :- Amar Bahadur Maurya

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Shri Amar Bahadur Maurya, learned counsel for the petitioners and Shri 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 23.09.2023, registered as Case Crime No. 774 of 2023, under Sections 420, 120B IPC, Police Station Kurawali, District Mainpuri. Further prayer has been made not to arrest the petitioners in the aforesaid case.

3. Submission of learned counsel for the petitioners is that petitioner no. 1 is bonafide purchaser of the land in question and after payment of the entire sale consideration, he has been falsely implicated. Submission is that informant is some how trying to get back the land in question sold out to the petitioners as it is reflected from the FIR and for this purpose with malafide intention the present criminal prosecution has been lodged.

4. Per contra, learned AGA submits that sale deed has been allegedly executed for a sale consideration of Rs. 5,50,000/- whereas the value of land as per government rate is Rs. 12,41,000/- and therefore, there is a considerable short fall in payment of sale consideration. We find that in the FIR specific allegation is that Rs. 1,00,000/- was taken from the petitioners who are money lenders and they got the sale deed executed in their favour. From perusal of the sale deed dated 23.09.2021 we further find that in respect of payment of sale consideration without disclosing the dates, amount etc. only this much is mentioned that the payment was made gradually over a period of time.

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 present petition is dismissed.

Order Date :- 17.10.2023

Ujjawal