

Court No. - 67

Case :- CRIMINAL MISC. WRIT PETITION No. - 16486 of 2023

Petitioner :- Awadh Narayan And 2 Others

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

Counsel for Petitioner :- Nitin Chandra Mishra

Counsel for Respondent :- G.A.

Hon'ble Rahul Chaturvedi,J.

Hon'ble Mohd. Azhar Husain Idrisi,J.

Heard Sri Nitin Chandra Mishra, learned counsel for the petitioners and the learned A.G.A. and also perused the record.

The petitioners, by means of this writ petition under Article 226 of the Constitution of India, have invoked the inherent jurisdiction of this Court with prayer to quash the impugned First Information Report dated 22.9.2023 registered as Case Crime No. 354 of 2023, under Sections 419, 420, 467, 468, 471 IPC, Police Station Kotwali Chunar, District Mirzapur.

The submission advanced by the learned counsel for the petitioners is that way back in the year 1987 a lease was granted in favour of the petitioners by the Land Management Committee of village Kanauhi, tehsil Chunar, district Mirzapur. Off late, a proceedings under Section 30(2) of U.P. Revenue Code, 2006 was initiated by one Shaifali and thereafter during investigation, the informant has come to the knowledge that the land in question was allocated by not adhering the relevant procedure and accordingly, the lease deed itself is a tainted one and on this basis, the FIR has been registered by the opposite party no. 3 against the petitioners.

It is further submitted by the learned counsel for the petitioners that the petitioners are in the possession of the property in question without any objection/resistance from any quarter and off late, "sudden wisdom" dawn upon the informant that the entire previous proceedings initiated are a result of such malpractice.

Keeping in view the aforesaid facts and circumstances, it is provided that the investigation shall go on unabated and it is incumbent upon the petitioners to participate in the investigation and shall remain present before the Investigating Officer as and

when required but the interest of the petitioners pursuant to the First Information Report dated 22.9.2023 registered as Case Crime No. 354 of 2023, under Sections 419, 420, 467, 468, 471 IPC, Police Station Kotwali Chunar, District Mirzapur is protected and they shall not be arrested till submission of police report under Section 173(2) Cr.P.C. The I.O. of the case is expected to file a detailed report under Section 173(2) Cr.P.C. within next sixty days from the date of production of a certified copy of this order. It is also provided that the petitioners shall fully cooperate in the investigation, failing which they shall not be entitled to the benefit of this order.

With the above direction, the petition stands **disposed of**.

Order Date :- 18.10.2023

M. Tarik