

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 18134 of 2023

Petitioner :- Smt. Shreshtha Jain @ Neelam And 5 Others

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

Counsel for Petitioner :- Som Veer

Counsel for Respondent :- G.A.,Murari Lal Jain

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Syed Aftab Husain Rizvi,J.

1. This writ petition has been filed with the prayer to quash the first information report dated 20.10.2023 registered as Case Crime No.0218 of 2023 under Sections 420, 467, 468, 471, 120-B IPC, Police Station-Lohamandi, District-Agra, on the ground that a dispute in respect of property is pending in Original Suit No.1347 of 2023 and that petitioners have no specific role to play in execution of the sale-deed of property No.34/470, Nauvasta, District-Agra.

2. A short-counter affidavit has been filed on behalf of informant stating that petitioners' mother claimed right on the basis of a will in which her share was different and the property in question fell in the share of the informant. It is stated that without any authority of law, the transfer-deed has been executed by persons, who had admittedly no right over the property. It is also pointed out that in the will, no right is created in petitioners' mother over the property in question. It is, therefore, submitted that *prima facie* allegation with regard to commissioning of cognizable offence are clearly made out.

3. We have heard counsel for the parties and from a perusal of material available on record, *prima facie* allegation with regard to commissioning of cognizable offence in the form of fabrication and creation of false documents etc., are disclosed. Correctness or otherwise of such allegations cannot be examined in the present proceedings. Merely because suit for cancellation is pending, it would not mean that allegations made with regard to the preparation of false documents cannot be investigated.

4. Leaving all factual issues open for examination at the stage of investigation/trial, this petition filed with the prayer to quash the FIR is consigned to records.

Order Date :- 4.12.2023

LN Tripathi