

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 18061 of 2023

Petitioner :- Rambir Singh

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

Counsel for Petitioner :- Virendra Singh, Abhai Singh

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

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Shri Virendra Singh, learned counsel for the petitioner, Shri Akhilesh Kumar Shukla, learned counsel for the informant and Shri Rajesh Kumar Madheshiya, learned AGA and perused the record.

2. The present writ petition has been preferred with the prayer to quash the impugned First Information Report dated 20.10.2023 registered as Case Crime No. 282 of 2023, under Sections 420, 467, 468, 471, 120B IPC and Section 2/3 of Prevention of Damage of Public Property Act, 1984, P.S. Meerganj, District Bareilly, and for a direction to the respondents not to arrest the petitioners in pursuance of impugned First Information Report.

3. Submission of learned counsel for the petitioner is that there is specific allegation against Sahayak Chakbandi Adhikari and even as per FIR only allegation is against the petitioner that he had issued forged copies of Khata no. 511 whereas by drawing attention to various documents annexed with present petition and with the supplementary affidavit that he has not issued the copy and there is no entry of said plot in that gata.

4. Per contra, learned counsel for the informant pointed out that findings recorded in the four member inquiry report annexed with supplementary affidavit which is also on record of learned AGA clearly reflects that the petitioner herein has recorded the entries and have issued the notices and the FIR has been lodged only on the basis of the inquiry report and therefore cognizable offence has been made out.

5. Additionally, we also find that one of the co-accused had approached this Court by filing a writ petition being Criminal Misc. Writ Petition No. 17495 of 2023 (Sunil Kumar vs. State of U.P. And 3 Others), which was dismissed by a co-ordinate Bench of this Court on on 08.11.2023.

6. The said order dated 08.11.2023 passed in Criminal Misc. Writ Petition No. 17495 of 2023 (Sunil Kumar vs. State of U.P. And 3 Others) is quoted as under:

"1. Heard learned counsel for the petitioner and learned A.G.A. for the State.

2. The instant writ petition seeks quashing of the FIR dated 20.10.2023 giving rise to Case Crime No.282 of 2023, under Sections 420, 467, 468, 471, 120-B I.P.C. and 3 of Public Property (Prevention of Damages) Act, Police Station-Meerganj, District- Bareilly.

3. Upon hearing learned counsel for the parties and upon a perusal of the record, we find that the submissions made on behalf of the petitioner are his defence, which cannot be looked into while dealing with a writ petition seeking quashing of a first information report.

4. Moreover, the allegations made in the First Information Report clearly disclose commission of cognizable offences and the allegations are serious in nature. Therefore, prayer of the petitioner to quash the First Information Report is completely misconceived and is rejected.

5. The writ petition is therefore dismissed, without prejudice to the right of the petitioners to apply for bail/anticipatory bail.

6. This order has been passed in the presence of Shri A.K. Shukla, Advocate, who has filed his appearance on behalf of counsel for the first informant."

7. On perusal of the record of this present petition and the above quoted order, we are not persuaded to take a different view of the matter. Accordingly, this petition is also stand dismissed on the same terms.

Order Date :- 22.11.2023

Ujjawal