Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 17786 of 2023
Petitioner :- Ramroop
Respondent :- State Of U.P. And 3 Others
Counsel for Petitioner :- Narendra Singh,Arjun Kumar Gautam
Counsel for Respondent :- G.A.

Hon'ble Ashwani Kumar Mishra,J.
Hon'ble Syed Aftab Husain Rizvi,J.

This petition has been filed with the prayer to quash the first information report in Case Crime No. 471 of 2023, under Sections 419, 420, 467, 468, 471, 120B I.P.C., Police Station- Mehnagar, District- Azamgarh, on the ground that on the date when the alleged offence is said to have been committed, the petitioner was already in jail and, therefore, the allegations are false.

Petition is opposed by learned AGA.

We have perused the First Information Report, which contains allegation to the effect that signatures of dead persons as also forged papers were procured for seeking a declaration of the agricultural land to be non-agricultural for opening a petrol pump. The petitioner's plot is also included in it. It is for such reason that F.I.R. has been lodged.

It is not disputed that the conversion of land from agricultural to non-agricultural includes the petitioner's land. Once it is alleged that the signatures on the application have been forged and such application includes those who are dead and their signatures have also been obtained, we find that prima facie allegation with regard to commissioning of cognizable offence are clearly disclosed. Individual defence of the petitioner is not required to be examined nor we are required to examine the correctness or otherwise of the F.I.R. allegations.

Since prima-facie allegation with regard to cognizable offence is disclosed, the prayer made in writ petition to quash the F.I.R. is declined and the petition is **dismissed**.

Dismissal of this writ petition, however, will not preclude the petitioner from seeking appropriate relief under the Code of Criminal Procedure, where his grievance would be independently examined without being influenced by any observation made by this Court.

Order Date :- 12.12.2023
SP/-

Digitally signed by :-
SANDEEP PAL
High Court of Judicature at Allahabad