

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 18849 of 2023

Petitioner :- Chand Mohammad @ Sonu And 4 Others

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

Counsel for Petitioner :- Anil Kumar Ojha

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.868 of 2023 under Sections 323, 504, 506, 420, 467, 468, 471, 120-B, 34 IPC, Police Station Loni, District Ghaziabad on the ground that prior in point of time, petitioners had also lodged an FIR being Case Crime No.679 of 2023 on 6.8.2023. It is submitted that the informant himself has committed fraud.

We have perused the First Information Report which contains allegations that though the sale consideration was paid to Sonu Property Dealer yet the possession of the plot is not being delivered and even the sale deed is not being executed. It is also stated that a sale deed has been executed but thereafter with a fraudulent intent, an FIR has been lodged in the matter. Allegations made are that fraud has been committed against the petitioners.

From a perusal of the First Information Report, it is apparent that prima facie allegation with regard to commissioning of cognizable offence is disclosed in the matter. Petitioner's defence or the plea that a previous FIR has been lodged is a matter to be examined at the stage of investigation. This is not a case in which the FIR is to be interfered with at the threshold relying upon the petitioner's contention.

In view of the observations made above, this petition filed with the prayer to quash the First Information Report is declined.

Leaving all issues and remedies open to the petitioners, in accordance with the Code of Criminal Procedure, this petition is consigned to records.

Order Date :- 5.12.2023

RA