

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7216 of 2023

Petitioner :- Hanumant Bahadur Singh, And Another

Respondent :- State Of U.P. Through Secretary, Home Department, Civil Secretariat Lucknow, And 4 Others

Counsel for Petitioner :- Angrej Nath Shukla

Counsel for Respondent :- G.A.,Saurabh Kumar

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Heard learned counsel for the petitioners and learned A.G.A. for the State.

This petition has been filed with the following main prayer:-

"to issue a writ order or direction in the nature of Certiorari for quashing the impugned first information report dated 08.09.2023, registered as FIR No.0087/2023, Under Sections-386 I.P.C., registered at Police Station- Shivgarh, District Sultanpur as contained in Annexure-1 to this writ petition."

Learned A.G.A., on the basis of the short counter affidavit prepared in the matter, has submitted that charge-sheet has been prepared in the case and it has been filed in Court.

Learned counsel for the petitioners states that the petitioners have made the Station House Officer and the Chowki Incharge as respondents in person, namely, respondent nos.3 & 4 and the allegation in the writ petition is against them that they are helping the informant respondent nos.5, who is a land grabber. The petitioners belong to Bhartiya Kisan Union and they had been approached by one Bharat S/o Brij Lal to help him in getting the money as sale consideration of the land for which he had already executed a sale deed in favour of the respondent no.5, but had not got any consideration from him. It is because the petitioners were helping Bharat and because respondent no.5- Nagendra Bahadur Singh was in collusion with the respondent nos.3 & 4, they had

lodged the impugned F.I.R. and now charge sheet has been prepared against them.

Learned A.G.A. says that the petitioner no.1 Hanumant Bahadur has a criminal history. He has at least history of two criminal cases, namely, Case Crime No.08 of 2019 under Sections 323, 504, 506, 452 and 427 I.P.C. and Section 3(1)(v) of the S.C./S.T. Act, Police Station Lambhua, District Sultanpur and Case Crime No.466 of 2014 under Sections 323, 504, 506 I.P.C. and Section 3(i)(x) of the S.C./S.T. Act, Police Station Lambhua, District Sultanpur. Whereas, the petitioner no.2 Krishna Kumar Singh has history of three criminal cases, namely, Case Crime No.366 of 2017 under Sections 323 and 504 of the I.P.C. and Section 3(i)(x) of the S.C./S.T. Act, Police Station Lambhua, District Sultanpur, Case Crime No.464 of 2018 under Sections 376D, 452 and 506 of the I.P.C. and Section 3(2)(v) of the S.C./S.T. Act, Police Station Lambhua, District Sultanpur and Case Crime No.119 of 2019 under Sections 323, 504 and 452 of the I.P.C. and Section 3(i)(v) of the S.C./S.T. Act, Police Station Lambhua, District Sultanpur.

It has been submitted by learned A.G.A. that petitioners have not revealed these facts before this Court while filing the petition.

After having examined the submissions advanced by learned counsel for the parties and perused the impugned F.I.R., we are of the opinion that the impugned F.I.R. discloses cognizable offence by the petitioners, hence, no interference is called for by this Court in its extraordinary power under Article 226 of the Constitution of India for quashing of the F.I.R. or for grant of any interim relief to the petitioners and accordingly, the present writ petition is ***dismissed***.

Interim order, if any, stands discharged.

Order Date :- 23.11.2023

Rahul