

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7849 of 2023

Petitioner :- Amit Agarwal

Respondent :- State Of U.P. Thru. Prin. Secy. Home And Others

Counsel for Petitioner :- Siddhartha Sinha, Mohammad Zeeshan Lari

Counsel for Respondent :- G.A., Mohan Singh

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Karunesh Singh Pawar, J.

(1) Heard the learned counsel for the petitioner at some length and the learned A.G.A. who appears for the Opposite party nos.1 to 4 and Shri Mohan Singh, who has filed a Caveat.

(2) This petition has been filed by the petitioner for the following main prayer:-

"1) issue a writ, order or direction in the nature of Certiorari to quash the impugned First Information Report (Annexure No.1) registered as Case Crime / F.I.R. No.0817 of 2023, on 15.09.2023 at Police Station Kotwali, District Gonda, under Sections 419, 420, 467, 468, 471, 120-B I.P.C., alongwith the consequential inquiry, investigation, being conducted on the basis of the said F.I.R., qua the petitioner."

(3) It has been submitted by the learned counsel for the petitioner that the petitioner proposes to buy certain land belonging to one Jawahar Lal for which he entered into a registered Agreement to Sell. In the impugned F.I.R., it has been stated that the petitioner proposed to buy Gram Samaj's land. It has been submitted that the petitioner as soon as he derived knowledge that the seller Jawahar Lal was proposing to sell Gram Sabha's land to him. He filed a Suit for cancellation of the Agreement to Sell, a copy of the plaint filed in the said Suit has been filed as Annexure to the writ petition. He has also moved an application under Section 156 (3) Cr.P.C. before the Court of C.J.M., Gonda, for registering of F.I.R. against Jawahar Lal, the seller of the property. It has also been submitted that two marginal witnesses of the said property namely Pawan

Kumar and Bhanu Dutt had approached this Court by filing Criminal Misc. Writ Petition No.7403 of 2023, relating to the same F.I.R. and this Court had granted interim protection to them by its order dated 26.09.2023.

(5) This Court having perused the Agreement to Sell which is dated 28.08.2020 finds that it was only for a period of three years. However, this Court finds from the same Agreement to Sell that there is no mention as to how Jawahar Lal had acquired the property, he was proposed to sell to the petitioner.

(6) Learned A.G.A. has produced before this Court a copy of Khatauni of Village Janki Nagar Gramin, Pargana, Tehsil & District Gonda, wherein the land which the petitioner was proposing to buy i.e. Gata No.353 admeasuring 0.388 Hectare has been found as Krishi Yogya Banjar Bhoomi recorded in the name of Gaon Sabha.

(7) It has been submitted by the learned A.G.A. that the petitioner did not act bonafide because had he been a bonafide proposed purchaser, he would have search out exactly who was the owner of the said property or at least going through the Revenue Records.

(8) Learned counsel for the petitioner says that the Revenue Records could not be perused by him because the Agreement to Sell was executed during the period of Covid-19.

(9) This Court takes a judicial notice of the fact that all Khataunis are now available Online.

(10) This Court has gone through the F.I.R. and finds that a cognizable offence is made out against the petitioner, hence, no interference is required in the matter.

(11) The writ petition stands ***dismissed***.

Order Date :- 12.10.2023
N.PAL