

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7821 of 2023

Petitioner :- Prakhar Shukla And Another

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Home U.P. Lko. And Others

Counsel for Petitioner :- Sushil Kumar Singh

Counsel for Respondent :- G.A.,Alok Kr. Misra,Shankar Lal Pandey

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

1. Heard learned counsel for the petitioners, Sri Alok Kumar Mishra, learned counsel for the private respondent and learned A.G.A. for the State Respondents.
2. We have gone through the Mediation Centre's Report dated 28.11.2023, the mediation has failed between the parties.
3. A rejoinder affidavit has been filed by learned counsel for the petitioners, which is taken on record.
4. Learned counsel for the petitioners has argued that the allegations has made out in the F.I.R. is false and fabricated. The informant is a Director and shareholder in a Private Limited Company, namely, Impact Associates Hospitality and Food Products Private Limited.
5. The allegation that the petitioner no. 1 prepared forged documents and forged his signatures and removed him from the directorship of the company, due to which he suffered a loss of Rs.1.5 Crores is completely false.
6. The allegation that the petitioner no. 1 inducted the petitioner no.2 in the company and the informant got information regarding induction of petitioner no.2 in the company only on 03.06.2023 after getting relevant papers from the Chartered Accountant is also false.

7. Previously, the informant had filed a Criminal Misc. Writ Petition No. 6644 of 2023 for getting F.I.R. registered. This Court had disposed of the writ petition in view of the law settled by the Coordinate Bench of this Court in **Waseem Haider Vs. State of U.P. and Others**. In pursuance of such order the F.I.R. has been lodged.

8. It has been submitted that the petitioner no. 1 and the respondent no. 4 initially started a business in hospitality and restaurant business in the name and style of Impact Associates. The partnership firm had taken four buildings separately on rent, details of which have been given in paragraph-8 of the writ petition. Thus, the partnership firm was converted into a private limited company as aforesaid the business of the firm suffered because of Covid-19 pandemic. The company mooted a proposal for buying land and setting up a hotel for which Rs. 1.5 Crores was spent after taking loan. The opposite party no. 4 wanted to leave the company, therefore, the opposite party no. 4 approached one Rajesh Jaiswal who purchase 50% share of the company belonging to the opposite party no. 4. The opposite party no. 4 had still 25% share in the company which he transferred in the name of his brother, Deshraj Katiyar. Subsequently, the informant quit the company his brother become the shareholder of 25% and made an agreement with Rajesh Jaiswal to sale his share of 25% for Rs. 75 lacs and he also transferred his shares to Rajesh Jaiswal after taking Rs.57 lacs from him. 19% of the shares were transferred to Rajesh Jaiswal, now the Deshraj Katiyar(brother of the informant) holds only 6% share in the company. The total shareholders in the company, now at present are Rajesh Jaiswal holding 20% shares, Medhanshi Shukla (petitioner no.2) holding 12% shares, Deshraj Katiyar(brother of the informant) holding 6% shares, Ambuj Jaiswal holding 15% shares, Prakhar Shukla(petitioner no. 1) holding 12% shares and Anubhav Pandey holding 35% shares. Now the opposite party no. 4 has questioned his resignation and sale of shares and has tried to convert a civil dispute into a criminal proceedings by alleging forgery of signatures on various documents that was submitted to the

authorities regarding transfer of shares between the parties and third persons.

9. This Court having perused the F.I.R. finds that there is specific allegation of forgery of signatures which requires evaluation of evidence by the Trial Court.

10. This Court sitting in writ jurisdiction cannot evaluate evidences. The writ petition stands ***dismissed***.

11. The amount that was deposited by both the sides in the Mediation and Conciliation Centre through Bank Draft on 26.10.2023 shall be returned on appropriate application being made in this regard by the counsel for the parties.

Order Date :- 13.12.2023

Darpan Sharma