

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7792 of 2023

Petitioner :- Prem Chandra Saroj Alias Prem Chander

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

Counsel for Petitioner :- Anamika Singh, Paritosh Shukla

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Karunesh Singh Pawar, J.

1. Heard learned counsel for the petitioner and learned A.G.A. for the State.

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

"Issue a writ, order or direction in the nature of Certiorari quashing the impugned F.I.R. dated 04/09/2023 lodged by the respondent no.4 bearing FIR No.374/2023, U/Ss 327, 434, 504, 323 IPC, Section 3 Representation of Peoples Act, P.S. Patti, District Pratapgarh, as contained in Annexure-1 to this writ petition."

3. It has been submitted by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated by the impugned F.I.R. The dispute is civil in nature relating to a land. The respondent no.4 is neither the owner, nor in possession of the land. The said land belongs to the Gaon Sabha and, therefore, he has no *locus standi* to file the impugned F.I.R.

4. It has also been stated that the petitioner is a Government employee working in Northern Railways and posted as Technical (Painter) III. The petitioner was not even present in Pratapgarh when the incident, as alleged in the F.I.R., has occurred.

5. Learned A.G.A, on the basis of instructions, says that after investigation was carried out, on the spot inspection and medical examination report of the victim was looked into as also the report of

the Area Lekhpal and the statement of the Lekhpal was recorded. A charge-sheet bearing No.319 of 2023 dated 08.10.2023 has been submitted against Sheetla Prasad Saroj and Rajeev Saroj as one of the accused.

6. This Court has perused the F.I.R. and finds that it mentions the report of the Area Lekhpal in support of the prosecution story, which has not been annexed with the writ petition.

7. Instructions are kept on record.

8. 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 petitioner, 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 petitioner and accordingly, the present writ petition is ***dismissed***.

Order Date :- 12.10.2023
Rahul