

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7838 of 2023

Petitioner :- Rajesh Kumar

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

Counsel for Petitioner :- Amit Tripathi

Counsel for Respondent :- G.A.,Gopal Kumar Srivastava

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Heard learned counsel for the petitioner, learned A.G.A. for the State and Sri Gopal Kumar Srivastava, learned counsel for the respondent no.4- Central Bank of India.

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

"Issue a writ, order or direction in the nature of Certiorari thereby quash the impugned First Information Report lodged by the Opposite Party No.5 on 23.09.2023, as First Information Report No.255 of 2023, Under Section 419, 420, 467, 471, 468, 504, 506 I.P.C. at Police Station Gosainganj, District Ayodhya."

Learned counsel for the petitioner states that he has not taken any loan on the plot numbers belonging to the respondent no.5 i.e. Plot No.259 and 267.

However, from the pleadings on record i.e. paragraph-11 of the writ petition, it has come out that petitioner's name has been wrongly entered in Gata No.259 and 267. The petitioner has obtained Cash Credit Limit from the Central Bank of India showing khatauni bearing No.267 and 259.

Learned counsel for the petitioner says that he has not submitted a forged khatauni. In fact the khatauni had mention his name in Gata nos.259 and 267.

This Court finds that the petitioner is a beneficiary

of a wrong entry made in the revenue record showing him to be the recorded tenure holder of the land belonging to the respondent no.5 i.e. Gata No.259 & 267. He has also taken a Cash Credit Limit on the basis of such Khatauni and he is benefitted.

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 :- 10.10.2023
Rahul