

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7951 of 2023

Petitioner :- Haripal

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

Counsel for Petitioner :- Abhay Pratap Singh, Priyanka Singh

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Karunesh Singh Pawar, J.

(1) Heard Ms. Priyanka Singh, the learned counsel for the petitioner and the learned A.G.A. who appears for the Opposite party nos.1 & 2 and Shri K.K. Mishra, Advocate alongwith Ms. Surabhi Rawat, Advocate, for the opposite party no.3.

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

"1) To issue a writ, order or direction in the nature of Certiorari quashing the impugned First Information Report dated 22.08.2023 registered as F.I.R./ Case Crime No.0233 of 2023, under Sections 419, 420, 467, 468, 471 I.P.C., at Police Station Lonikatra, District Barabanki, (annexed as Annexure No.1 to this writ petition) to the extent of the petitioner herein."

(3) It has been submitted by the learned counsel for the petitioner that the petitioner is a bonafide purchaser of the Plot of land of Gata No.315 as well as Gata No.494 situated in Village Aldadpur, Tehsil- Haidergarh, District Barabanki.

(4) The prosecution story as mentioned in the F.I.R. is that the complainant's husband was joint tenure holder with one Mahesh Chandra of the said property, both of them died in 2015 and 2008 respectively but some imposter was produced before the Sub-Registrar for execution of sale deed in favour of the petitioner. It has been submitted by the learned counsel for the petitioner that the petitioner had paid an amount of Rs.2 lacs to the said unidentified man, who executed the sale deed in favour of the

petitioner. The complainant had filed a Suit for cancellation of sale deed, a copy of the plaint has been filed as Annexure to the petition. The petitioner has also filed a Suit for cancellation of sale deed, a copy of the plaint has also been filed as Annexure to the petition.

(5) It has been submitted that during pendency of the said Suit, the petitioner and the Opposite party no.3 have entered into a settlement agreement, a copy of which has been filed as Annexure No.6 to the petition. The said settlement states clearly that the Opposite party no.3 had filed her Suit for cancellation of sale deed in July, 2023, then she filed the impugned F.I.R. on 22.08.2023. The petitioner on coming to know of the lodging of the F.I.R. himself has filed a suit for cancellation of sale deed on 24.08.2022 even before the filing of suit for cancellation of sale deed by the Opposite party no.3, the petitioner had already filed a Suit for cancellation of sale deed in 2022.

(6) This petition is **disposed of** with a direction to the petitioner and the Opposite party no.3 to file an Original Settlement Agreement before the Investigating Officer, who shall record the statements of both the parties **within one week** and take appropriate decision in the matter, in accordance with law, **within a period of three weeks thereafter.**

(7) **For a period of four weeks**, the petitioner- Haripal, **shall not be arrested** in pursuance of the impugned F.I.R. dated 22.08.2023 registered as F.I.R./ Case Crime No.0233 of 2023, under Sections 419, 420, 467, 468, 471 I.P.C., at Police Station Lonikatra, District Barabanki, subject to his full cooperation in the investigation.

Order Date :- 13.10.2023
N.PAL