

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7971 of 2023

Petitioner :- Arvind Singh And Others

Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt. Civil Sectt. Govt. Lko And Others

Counsel for Petitioner :- Prabhat Kumar Upadhyay, Radhika Kashyap

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Karunesh Singh Pawar, J.

Heard learned counsel for the petitioners, learned A.G.A. for the State and Sri Manoj Sahu along with Ms. Sonal Pandey, Advocates, who have filed power on behalf of the respondent no.4, which is taken on record.

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

"To issue an order or direction in the nature of Certiorari quashing thereby F.I.R. Crime no.243/2023 U/s-419, 420, 467, 468, 471 I.P.C., P.S.- Ahirauli, District- Ambedkar Nagar which is Annexure No.1."

It has been submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the impugned F.I.R. The petitioner no.1 had got an agreement to sell alone executed and registered on 01.09.2023 before the Deputy Registrar, Bheeti, Ambedkar Nagar with regard to the certain land belonging to the son of the respondent no.4. The sale consideration was mistakenly shown to be Rs.1 lakh due to the clerical error. The actual agreed sale consideration was Rs.10 lakhs. As soon as the petitioners got knowledge of the typographical error, he has contacted the son of the informant for getting the agreement corrected and incorporating Rs.10 lakhs in place of Rs.1 lakh. The son of the informant refused to do so, instead filed the impugned F.I.R..

This Court has perused the F.I.R. and also the agreement to sell. The total land which was sold

off was 0.1725 hectare for a sale consideration of Rs.1 lakh alone.

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 petitioners, 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 petitioners and accordingly, the present writ petition is ***dismissed***.

Order Date :- 13.10.2023
Rahul