

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8046 of 2023

Petitioner :- Hardeep Kaur And Others

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

Counsel for Petitioner :- Santosh Kumar Srivastava, Permeshwar Dutt Tewari

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Karunesh Singh Pawar, J.

Heard learned counsel for the petitioners and learned AGA for the State.

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

1) issue a writ, order or direction in the nature of Certiorari to quash the impugned F.I.R. dated 01.07.2023 bearing case No. 0168/2023. under section 420/467/468/471 I.P.C. lodged by opposite party no.4 at P.S.Bijnaur. District: Lucknow.

It has been submitted by the learned counsel for the petitioner that the F.I.R. has been lodged with a delay of 23 months for a dispute which is trivial in nature. A mutation case was filed before Naib Tehsildar, Tehsil Sarojini Nagar, District Lucknow in which an order was passed on 28.07.2021 regarding land of gata No. 00073, 0081, 0082 situated at village Shivri, Tehsil Sarojini Nagar, District Lucknow. The original tenure holder was late Gurbaksh Singh who had two sons Inderjeet Singh and Vinder Pal Singh and a surviving widow by the name of Mohinder Kaur. However, in PA-11 proceedings initiated after the death of late Gurbaksh Singh, the name of only one son and his widow Mohinder Kaur has been mentioned.

It has been stated that the petitioner is the wife of Inderjeet Singh and she has no role to play at all. She has been falsely implicated in the impugned order.

This court has perused the F.I.R. and also array of the respondents. Opposite party no. 4 has been described in the array of the respondents as Vinder Pal Singh son of late Gurbaksh Singh without communicating that he is a retired Colonel from the Army. In the F.I.R., specific allegations have been made that Colonel Vinder Pal Singh, the informant was working in the army and he retired on 30.09.2019. During his

service tenure his father died on 16.09.2017. After demise of Gurbaksh Singh, names of his sons and his widow should have been entered as his legal heirs and as co-sharers of property belonging to late Gurbaksh Singh. However, when after retirement the informant came to live in South City, Lucknow, he discovered that his brother Inderjeet Singh and his wife Hardeep Kaur have fooled his mother widow of Gurbaksh Singh and pressurized her, as a result whereof, they got their names recorded as tenure holders.

We have gone through the F.I.R. finds that a cognizable offence is made out of forgery.

This Court finds no good ground to show interference in the matter, hence this writ petition is dismissed.

Order Date :- 17.10.2023

R.C.