

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8053 of 2023

Petitioner :- Puran

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

Counsel for Petitioner :- Ajay Kumar, Sheikh Mohammad Ali

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. who appears on behalf of the State Respondents.

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

"(i) issue a writ, order or direction in the nature of Certiorari thereby quashing the impugned First Information Report dated 22.09.2023 bearing FIR No. 0170/2023, under Sections 419, 420, 467, 468, 471 I.P.C., Police Station Harraiya, District Balrampur as contained in Annexure No.1 to this writ petition.

(ii) Issue a writ, order or direction in the nature of Mandamus thereby commanding and directing the opposite parties not to arrest the petitioner in FIR No. 0170/2023, under Sections 419, 420, 467, 468, 471 I.P.C., Police Station Harraiya, District Balrampur as contained in Annexure No. I to this writ petition."

3. It has been submitted by the learned counsel for the petitioner that the petitioner is completely innocent and has falsely been implicated in the impugned F.I.R. The story setup by the prosecution is that Brijmohan Verma conspired to grab the land of the informant's father in Village Sahijna. He setup two scheduled caste persons of the same village, whose name was Ghursaite and Atwari sons of Phere. A gang was formed alongwith Om Prakash, Arun Kumar Chaudhary and Harishchandra Singh (Area Lekhpal). Taking advantage of the fact that the father's name of Ghursaite and Atwari is the same as that of the imposter the sale deed of Gata No. 70 admeasuring as 0.7000 Hectare and Gata No. 67 admeasuring as 0.9870 Hectare was executed in the name of Puran i.e. the petitioner herein whereas the informant's father had not executed any sale deed.

4. Learned counsel for the petitioner has alleged that the petitioner is the bonafide purchaser and has been fooled by Ghursaite and Atwari and he had no knowledge of any fraud having been committed by them or that they were imposters. When the fraud came into the knowledge of the petitioner, the petitioner immediately returned back Gata No. 70 and Gata No. 67 to Ghursaite and Atwari through a registered sale deed on 01.07.2023, a copy of which has been filed as annexure-04 to the writ petition.

5. This Court has gone through the F.I.R. and also the sale deed made by Ghursaite and Atwari alleged son of Phere @ Ram Phere of Village Sahiyapur of sale of Land i.e. Gata No. 70 and Gata No. 67. In the sale deed of Gata No. 70, it has been stated that the land has been purchased for Rs.20,000/- as consideration whereas the circle rate was Rs.25,00,000/- per hectare and it was adjacent to the main road, 20% of the circle rate was additionally added. Because it was adjacent to abadi another 30% was added to the circle rate and the total per hectare was valued at Rs. 26,25,000/- for which stamp duty was paid, accordingly of Rs. 1,31,000/-. This Court has also seen the sale deed of Gata No. 67 and it has been bought by the petitioner from Ghursaite and Atwari for an amount of Rs. 20,000/-, although the land in question as per the circle rate was valued at Rs. 37,26,000/- per hectare on which stamp duty of Rs. 1,85,000/-. It is apparent from a perusal of the sale deed that the petitioner was well aware that he was not buying land from the genuine tenure holder.

6. This Court finds no good ground to show interference in the impugned F.I.R.

7. The writ petition stands ***dismissed***.

Order Date :- 17.10.2023

Darpan Sharma