

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8069 of 2023

Petitioner :- Kuldeep Yadav

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

Counsel for Petitioner :- Brijesh Kumar Singh

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Karunesh Singh Pawar,J.

Heard learned counsel for the petitioner and learned A.G.A. for the State.

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

"issue a writ order or direction in the nature of CERTIORARI quashing the impugned First Information Report lodged by the Opposite Party No.4 on 01.08.2023, registered at Case Crime No.0365/2023, under sections 419, 420, 467, 468, 471, 506 I.P.C. at Police Station- Raunahi, District- Ayodhya, as contained in Annexure No.1 to this writ petition, in the interest of justice."

It has been submitted by learned counsel for the petitioner that the petitioner is the real son of Ram Lagan Yadav, who has been alleged to have died as a bachelor in the F.I.R. impugned in this petition. The fact of the matter is that there were three sons of one Babu Lal, namely, Ayodhya Prasad, Baijnath and Ram Lagan Yadav. The mother of the petitioner was married to Ram Lagan Yadav, but there was a minor dispute, as a result thereof she deserted her husband Ram Lagan Yadav and started living with somebody else in a different village. The petitioner being the nephew of Ayodhya Prasad and Baijnath and belonging to the same family was entitled to get his name recorded as legal heir of Ram Lagan Yadav, his father. One-third property belonged to Ram Lagan Yadav and the petitioner being his son was recorded as one-third co-sharer of such property in the Village. Ayodhya Prasad and Baijnath has already filed a Civil Suit for

permanent injunction against the petitioner, a copy of which has been filed as annexure-10 to the petition.

It has been submitted that during the pendency of Civil Suit, the impugned F.I.R. has been lodged only to harass the petitioner.

This court having gone through the plaint of the Civil Suit, filed as annexure-10 to the writ petition, as also the contents of the F.I.R., is of the opinion that, *prima facie*, the impugned F.I.R. discloses cognizable offence by the petitioner. This Court at the initial stage cannot evaluate the evidence which is a duty of the Trial Court.

The present writ petition is ***dismissed***.

Order Date :- 17.10.2023

Rahul