

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8111 of 2023

Petitioner :- Harish Chandra Pal And Others

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

Counsel for Petitioner :- Manvendra Singh, Bhupendra Prakash, Dinesh Kumar Pal, Mukhtar Ahamad, Sanjay Kumar Misra

Counsel for Respondent :- G.A., Anand Pratap Singh

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Karunesh Singh Pawar, J.

1. Heard learned counsel for the petitioners, learned A.G.A. who appears on behalf of the State Respondents and Sri Amrendra Nath Tripathi, Advocate who has filed his vakalatnama on behalf of the opposite party no. 3, which is taken on record.

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

"A. Issue a writ of certiorari or a writ, order or direction in the nature of certiorari quashing the impugned F.I.R. dated 23.08.2023 registered at Case Crime No. 0257 of 2023 under sections 419, 420, 467, 468, 471, 323, 504 & 506 of I.P.C., P.S. Wazirganj, District Lucknow, West (Commissionerate Lucknow) as contained in Annexure no.1 to the writ petition, so far it relates to the petitioner.

B. Issue a writ of mandamus or a writ, order or direction in the nature of mandamus commanding and directing the opposite parties not to arrest the petitioners or adopt any coercive proceeding/method against the petitioners in pursuant to the F.I.R. dated 23.08.2023 as contained in Annexure no.1 to the writ petition."

3. Learned A.G.A. for the State Respondents has produced before this Court written instructions sent by the Sub-Inspector of Police, Police Station- Wazirganj, Police Commissionerate- Lucknow, which is taken on record.

4. It has been submitted by learned counsel for the petitioners that the petitioners had two Power of Attorneys of the sole land

of which sale consideration has been transferred to their parents account.

5. From the instructions, F.I.R. and the arguments raised by Sri Amrendra Nath Tripathi, it transpires that regular formal partition in Revenue Suit No. 4294 of 2016 by an order of the SDM dated 08.09.2017 had been effected between three of the co-sharers of property situated at Village- Lonapur, Pargana, Tehsil & District -Lucknow. The petitioner no. 4 was a Power of Attorney holder of Anwar Ahmad Khan, the father of the informant and he had sold off more than his share of the property. Such transaction was undertaken after forging documents.

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

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

Order Date :- 18.10.2023

Darpan Sharma