

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8237 of 2023

Petitioner :- Sukhvinder Singh And Others

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

Counsel for Petitioner :- Dharm Trivedi

Counsel for Respondent :- G.A.,Neeraj Kumar Mishra,Trilok Kumar Trivedi

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Karunesh Singh Pawar,J.

1. Heard the learned counsel for the petitioners, learned A.G.A. for the State-respondents and Shri Neeraj Kumar Mishra, Advocate, who has filed caveat on behalf of the private respondent.

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

"(i) Issue a writ, order or direction, in the nature of Certiorari quashing the impugned F.I.R. lodged by the opposite party No. 4 against the petitioners at Police Station- Mohammdi, District-Kheri on 18-09-2023, U/S 419,420,467,468,471,504,506 I.P.C vide Crime No. 0610/2023, contained as Annexure No. 1 to this writ petition.

(ii) Issue a writ, order or direction, in the nature of Mandamus commanding the opposite parties not to arrest and harass the petitioners on the basis of the impugned F.I.R."

3. Learned counsel for the petitioners submitted that the allegations in the First Information Report relate to a fraudulent sale deed and said to have been executed by the father of the informant in

favour of the petitioners in the year 2001, which was cancelled by the Civil Judge, Junior Division Mohammadi Kheri by his order dated 24.12.2004.

4. It has been submitted that there was no reason for the petitioners to approach the informant and to threat him to take over the land which belongs to him after the sale deed was cancelled by the competent court in the year 2004.

5. This court has perused the First Information Report and also heard learned counsel for the informant. It has been orally argued by the learned counsel for the informant that although the sale deed dated 29.3.2001 was cancelled by the competent court on 24.12.2004 they have taken loan on the property now illegally which belongs to the informant, from a bank by mortgaging the said property.

6. This court having gone through the First Information Report finds no good ground to show interference.

7. The writ petition is, accordingly, dismissed.

Order Date :- 19.10.2023

Madhu