

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8163 of 2023

Petitioner :- Manoj Kumar And Another

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

Counsel for Petitioner :- Vinod Kumar Mishra, Himanshu Kamboj

Counsel for Respondent :- G. A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Heard learned counsel for the petitioners and learned A.G.A. for the State-respondents.

This petition has been filed praying the following reliefs:-

(a) Issue a writ, order or direction in the nature of certiorari thereby quashing the impugned first information dated 15.9.2023, vide case crime no. 632 of 2023 under Section 406, 420, 467, 468, 471, 504 and 506 I.P.C., lodged at Police Station- Thakurganj, District- Lucknow as contained in Annexure-1 to this writ petition.

(b) Issue a writ, order or direction in the nature of mandamus commanding the opposite party not to harass, detain or prosecute the petitioner in pursuance of the impugned F.I.R.

It has been submitted by the learned counsel for the petitioners that the petitioners have been falsely implicated in the impugned F.I.R. by the opposite party no. 5. No money has been transferred from the accounts of the opposite party no. 5 in favour of the petitioner nos. 1 and 2.

It is further submitted by the learned counsel for the petitioners that it is apparent that money was given in the account of Mohd Irfan, the broker and Vinod Kumar- the elder brother of the petitioners. No money was received in the account of petitioners, therefore, they cannot be deemed to be guilty.

Learned A.G.A. has produced before this Court the instructions sent by the Sub Inspector, Police Station- Thakurganj, District- Lucknow wherein it has been stated that there was a promise held out of 48 bighas of land in village- Harchandrapur, Tahsil

-Khekda, District- Baghpat by three brothers i.e. petitioner nos. 1 and 2 and Vinod Kumar, all sons of Jai Karan Singh. Certain amount was transferred by the informant to them. Such amount was not returned although the deal fell through. There are four criminal cases registered in District- Baghpat as case crime no. 781 of 2023, 735 of 2023, 790 of 2023 and 616 of 2023 and one F.I.R. was also lodged as case crime no. 632 of 2023 at Police Station- Thakurganj, District- Lucknow.

The instructions are kept on record.

The Court having perused the instructions and impugned F.I.R. finds that that there is no disclosure in the writ petition about four F.I.R. which has already been registered in District- Baghpat, therefore, there is no ground to show interference.

The writ petition is, accordingly, **dismissed**.

Order Date :- 7.12.2023

Anuj Singh