

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8639 of 2023

Petitioner :- Hari Shankar Lal Gaur And Others

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

Counsel for Petitioner :- Daya Shankar Yadav, Sanjiv Kumar Singh

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

1. Heard learned counsel for the petitioners and learned AGA for State-respondents.

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

"i) to issue a writ order or direction in the nature of certiorari, thereby quashing the impugned First Information Report, registered by the Opposite party no. 5, at Case Crime No. 0336 of 2023 U/s 419, 420, 467, 468, 471, 120(B) & 506 I.P.C., on 31.10.2023 at Police Station Wazirganj, District Lucknow, contained, as annexure no. 1 to the writ petition.

ii) to issue a writ order or direction in the nature of mandamus commanding the Opposite Parties to direct the opposite party no. 2, 3 & 4 to not arrest the Petitioners in Case Crime No. 0336 of 2023 U/s 419, 420, 467, 468, 471, 120(B) & 506 I.P.C., on 31.10.2023 at Police Station Wazirganj, District Lucknow."

3. It has been submitted by learned counsel for the petitioners that the petitioners are the Office Bearers of Sarvoday Sahkari Grih Nirman Samiti Ltd. Lucknow and they have been falsely implicated in the impugned FIR alleging therein that the petitioners are threatening the opposite party no.5 to surrender the land, that was bought by his father from Sarvoday Sahkari Grih Nirman Samiti Ltd. Lucknow, in their favour and in case of failure to do so, he would suffer dire consequences. It is alleged that after such threats were received, the informant approached the police which did nothing in the matter. Thereafter on 24.07.2023 when the informant went to his plot he came to know that the petitioners are demarcating the land in such a manner that the plot belonging to the informant has now

been demarcated as land belonging to somebody else. It has further been submitted that the dispute is civil in nature but is given a criminal colour.

4. Learned AGA has informed this Court that petitioners are deliberately trying to take over the land belonging to the father of the informant. The sale deed of the land was executed in favour of father of informant in the year 1990 and now by means of *titamma*/ correction/ amendment in the said sale deed they want to change the number of plot to some other less valuable plot.

5. This Court finds a cognizable offence being made out from the perusal of impugned FIR and no case is made out to show interference as prayed for.

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

Order Date :- 8.11.2023

Arnima