

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8655 of 2023

Petitioner :- Chhedi Lal

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

Counsel for Petitioner :- Girish Chandra Sinha

Counsel for Respondent :- G.A., Piyush Agnihotri, Shailesh Sachan

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Heard learned counsel for the petitioner and learned A.G.A. for the State-respondents as well as Sri .

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 vide case crime no. 363 of 2023 under Section 420, 467, 468, 471, 504, 506 I.P.C., lodged at Police Station- Makhi, District- Unnao 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 no. 2 and 3 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 petitioner that the opposite party no. 4 is a mischievous person, who is involved in land grabbing through execution of suspicious and Benami third party agreements and sale-deeds. Due to the fraudulent activity of the opposite party no. 4 several criminal case have been lodged against him. He conducts his business in the name of his wife- Smt. Reena Singh and his agents. Dozens of fraudulent sale deeds have been executed in the name of his wife- Smt. Reena Singh at the behest of the opposite party no. 4. The petitioner is a poor farmer. He was lured into selling his land to Smt. Reena Singh/wife of the opposite party no. 4. Thereafter, he was informed by the opposite party no. 4 that there was some typographical error in the sale deed, which requires correction/modification. Believing the opposite party no. 4, the petitioner went to the office of the Sub Registrar Office and got a deed prepared on 24.6.2014. Later on it was discovered that instead of mentioning the details of correction,

the opposite party no. 4 had fooled the petitioner into selling off the rest of the land.

The opposite party no.4 on being contacted lodged false criminal case against the petitioner, namely F.I.R. No. 265 of 2020 at Police Station- Makhi, District- Unnao under Section 420, 406, 504, 506 I.P.C. alleging that the petitioner has sold off the land to somebody else earlier and later sold off the same land to the wife of the opposite party no. 4. Charge sheet has been submitted in the said case. Now, this time again another F.I.R. has been lodged, which is impugned in the present petition making the same allegation against the petitioner.

This Court has gone through the F.I.R. and finds that the F.I.R. 363 of 2023 is similar to the F.I.R. No. 265 of 2020, where charge sheet has already been filed in court concerned against the petitioner.

This petition is **disposed of** with a direction to the Investigating Officer to treat the F.I.R. impugned in the present petition as statement of the informant in the earlier F.I.R. in view of the observations made by the Hon'ble Supreme Court in the case of *T.T. Antony Vs. State of Kerala and others (2001) 6 SCC 181*.

Order Date :- 8.11.2023

Anuj Singh