

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8801 of 2023

Petitioner :- Shambhu Chaurahsiya And Others

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

Counsel for Petitioner :- Amit Kumar

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

(I) Issue a writ, order or direction in the nature of certiorari quashing the FIR dated 06.11.2023 lodged as Case Crime No. 0729 of 2023, under sections 419, 420, 442, 467, 468, 471, 504, 506 IPC at Police Station - Dhaurahara, District Lakhimpur-Kheri, as contained in Annexure No. 1 to the writ petition.

(II) Issue a writ, order or direction in the nature of Mandamus commanding the opposite parties no.1 to 3 not to arrest the petitioners in Case Crime No.0729 of 2023, under sections 419, 420, 442, 467, 468, 471, 504, 506 IPC at Police Station - Dhaurahara, District Lakhimpur-Kheri, as contained in Annexure No. 1 to the writ petition.
3. It has been submitted by learned counsel for the petitioners that the petitioners are innocent and have been falsely implicated in the impugned FIR. The incident in question with regard to taking over the house of the informant relates to more than 20 years ago. The informant got knowledge of such alleged encroachment/taking over of his ancestral house in the year 2002-2003 itself. Yet the FIR has been lodged now trying to give a criminal colour to a civil dispute.
4. This Court has gone through the FIR and finds no good ground to show interference.
5. The writ petition is **dismissed**.

Order Date :- 9.11.2023

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