

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8898 of 2023

Petitioner :- Manish Srivastava @ Shishir Srivastava

Respondent :- State Of U.P. Thru. Prin. Secy. Home U.P. Lko. And 3 Others

Counsel for Petitioner :- Pankaj Kumar Pandey

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Learned counsel for the petitioner and learned AGA for State-respondents are present.

In pursuance of earlier order of this Court dated 04.12.2023, Sub-Inspector Shri Trivikram Singh, police station Gudamba, District Lucknow is also present before this Court.

Learned AGA has produced before this Court detailed instructions sent by Sub-Inspector Shri Trivikram Singh, police station Gudamba, District Lucknow dated 05.12.2023 and the same is taken on record.

Learned AGA has pointed out the agreement signed between the Firms, Sankalp Avas Yojna and Devanchal Infra House Group, a copy of which has been filed as Annexure no.5 to the writ petition. It has been submitted that both Sankalp Avas Yojna and Devanchal Infra House Group were partners and handing without planning the scheme of constructing 30 houses which were to be given to the allottees.

Learned counsel for the respondents has pointed out paragraph no.7, 8 and 16 of the said agreement dated 26.12.2020. He states that during the course of investigation it has come out that although no money was received from the allottees in the account of the petitioner's Firm, such money was to be divided equally between the petitioner's Firm and Devanchal Infra House Group, as is evident from the agreement signed between the parties. It is irrelevant that which account received the money. The petitioner's Firm and Devanchal Infra House Group being equally responsible, *prima facie* is guilty of the offence as mentioned in the FIR.

This Court has perused the impugned FIR and finds cognizable

offence being made out hence finds no good ground to show interference as prayed in this petition.

The writ petition is accordingly **dismissed**.

Order Date :- 6.12.2023

Arnima