

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8949 of 2023

Petitioner :- Vasudev Yadav

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

Counsel for Petitioner :- Surendra Singh, Brijendra Kumar Verma

Counsel for Respondent :- G.A., Vinod Kumar Pandey

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 learned counsel for the opposite party no. 4.

This petition has been filed praying the following reliefs:-

(a) Issue a writ, order or direction in the nature of thereby quashing the impugned first information dated 28.10.2023 vide case crime no. 960 of 2023 under Section 419, 420, 467, 468, 471, 406, 506 IP.C., lodged at Police Station- Dewa, District- Barabanki 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 petitioner had entered into an agreement with the opposite party no/ 4 for sale of certain land for which sale consideration of Rs. 40 lakhs have been paid by the opposite party no. 4 to him but because of some dispute regarding ownership of the land it could not be transferred in favour of the opposite party no. 4. Therefore, sale deed could not be executed. The opposite party no. 4 got annoyed and has lodged impugned F.I.R.

The petitioner has made payment of Rs. 12 lacs to the opposite party no. 4 through RTGS as part payment of entire amount of Rs. 40 lacs. The petitioner shall soon pay off the remaining amount to the opposite party no. 4.

The counsel for the opposite party no. 4 has pointed out that the

petitioner has four case registered against him at Police Station- Dewa includes the F.I.R. under the Gangsters Act. The petitioner has forged the identity of one Vashudev Yadav and sold off the land of Vashudev Yadav. Vashudev Yadav had lodged an F.I.R. in which the petitioner had been sent to jail but had been released on bail. Counsel for the opposite party no. 4 further says that although the cheques had been issued by the petitioner to him for the rest of the amount. All the cheques have bounced because his account as has been frozen due to his having been implicated in the Gangsters Act and there is no hope of the opposite party no. 4 getting his money back, therefore, he has lodged the impugned F.I.R., for cheating and forgery etc.

The Court having perused the impugned F.I.R. finds cognizable offence is made out against the petitioner, therefore, there is no ground to show interference.

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

Order Date :- 23.11.2023

Anuj Singh