

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9088 of 2023

Petitioner :- Suresh Chandra And 5 Others

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

Counsel for Petitioner :- Manoj Kumar Misra

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

1. Heard learned counsel for the petitioners, learned A.G.A. for the State and Sri Dinesh Kumar Shukla, Advocate, who has filed power on behalf of the respondent no.4.

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

"Issue a writ order or command in the nature of certiorari to quash the impugned F.I.R. registered at F.I.R. no.879/2023 U/S 419, 420, 467, 468, 471, 120 B, 506 I.P.C. relating to P.S. Kotwali, District Gonda in the interest of justice."

3. It has been submitted by the learned counsel for the petitioners that the petitioner nos.1 and 2 are real brothers. The petitioner no.5 is the wife of the petitioner no.1. The petitioner no.6 is the relative of one Jamvanti in whose favour a Will was prepared, in which the respondent no.4 is also a beneficiary, on the basis of which F.I.R. No.192 of 2023 was lodged on 02.02.2023. The petitioners having their work in Gujarat were unaware of such alleged forged Will having been prepared. The petitioners after coming to know of the aforesaid Will appeared before the Police and informed the Investigating Officer that they do not have any concern with the said Will Deed or with the property mentioned therein. A copy of the Will allegedly prepared on 02.07.1996 has been filed as annexure-4 to the petition. When the investigation in the said F.I.R. No.191 of 2022 was going on, the impugned F.I.R. has been lodged with regard to the same alleged Will Deed dated 02.07.1996. However, the allegation is such that

the petitioner no.4 is not a beneficiary in the second Will Deed allegedly made out on 02.07.2003. The respondent no.4 has already filed a Suit for cancellation of the Will Deed dated 02.07.2003 in Regular Suit No.156 of 2023: *Pratap Kumar Tiwari Vs. Suresh Chandra and others*. Petitioners are being harassed for no reason altogether.

4. Learned A.G.A., on the other hand, has produced before this Court instructions dated 25.11.2023 sent by Sri Virendra Pal, Sub Inspector, P.S. Kotwali Nagar, District Gonda, wherein it has been stated that earlier an F.I.R. relating to an incident of alleged forged Will being prepared on 02.07.1996 was filed, wherein one of the petitioners is a beneficiary. The second F.I.R. has been lodged with regard to the alleged forged Will deed of 02.07.2003, wherein petitioners are beneficiary.

5. This Court having perused the F.I.R. finds no good ground to show interference in the impugned F.I.R. However, this Court ***disposes of*** this petition with a direction to the Station House Officer, Police Station Kotwali Nagar, Gonda, to hand-over the investigation of both the F.I.R.s to the same Investigating Officer to facilitate a fair and expeditious investigation.

Order Date :- 29.11.2023
Rahul