

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9101 of 2023

Petitioner :- Mayaram

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

Counsel for Petitioner :- Lav Singh

Counsel for Respondent :- G. A.

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.

This petition has been filed praying the following reliefs:-

(a) Issue a writ, order or direction thereby quashing the impugned first information vide case crime no. 94 of 2023 under Sections 420, 467, 468, 471 IP.C., lodged at Police Station- Chinhat, District- Lucknow.

(b) Issue a writ, order or direction commanding the S.H.O. concerned to investigate the matter fairly related to the case crime no. 94 of 2023 under Sections 420, 467, 468, 471 IP.C., lodged at Police Station- Chinhat, District- Lucknow.

It has been submitted by the learned counsel for the petitioner that the petitioner's father- Devki Nandan Yadav was recorded tenure holder of the Gata No. 591 B situated at Village- Kanchanpur, Matiyari, Tehsil and District- Lucknow. The said plot of land was acquired on 4.6.2001 by U.P. Awas Sangh Limited. However, no compensation was given either to the father of the petitioner or to the petitioner. The husband of the opposite party no. 4- Mustqueem Siddiqui assured the father of the petitioner that they will help him in getting his land from U.P. Awas Sangh Limited. Since the father of the petitioner was illiterate, he signed certain papers on the basis of which he has now been alleged in the impugned F.I.R. that a sale deed was executed on 1.8.2008 for the land in question for sale consideration of Rs. 6,22,800/- received in cash by the petitioner as power of attorney holder of his father- Devki Nandan Yadav and the land was sold off to the opposite party no. 4, who is wife of the opposite party no. 5 alleging that the said land belonged to the petitioner's father- Devki Nandan

Yadav.

It has been submitted that when knowledge of the alleged sale was derived by the father of the petitioner, he engaged a counsel- Santosh Kumar Yadav, Advocate for filing a suit for cancellation of such sale deed. The same was prepared but it was never filed by Santosh Kumar Yadav.

In the meantime, the petitioner has been falsely implicated in the impugned F.I.R. making allegations that the petitioner has cheated the opposite party no. 4 and 5. Several other arguments have been raised by the learned counsel for the petitioner.

This Court has gone through the alleged sale deed and it is quite improbable that a land of 964 sq. meters was sold off for a paltry sum of Rs. 6,22,800 by the petitioner as power of attorney holder of his father. It appears that land having already been acquired by Awas Sangh Limited, which was sold off by the father of the petitioner at a nominal sum to gain some pecuniary advantage.

The Court finds no ground to show interference.

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

Order Date :- 29.11.2023

Anuj Singh