

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9124 of 2023

Petitioner :- Rakesh Kumar Mahajan And Another

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

Counsel for Petitioner :- Mohd Wajid Irfan, Al Saud Khan

Counsel for Respondent :- G.A., Vijay Kumar Verma

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Heard learned counsel for the petitioners, learned A.G.A. for the State/respondents and perused the material placed on record.

Counter affidavit filed on behalf of the respondent No. 4 is kept on record.

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

"(i) To issue a writ, order or direction in the nature of Certiorari quashing the impugned First Information Report dated 9.11.2023, registered as FIR/Case Crime No.0352/2023, Under Sections 420, 467, 468, 471 and 506 of I.P.C., Police Station Wazirganj, District - Lucknow West (Commissionerate), as contained in Annexure No.1 to the writ petition.

(ii) To issue writ, order or direction in the nature of Mandamus directing the opposite parties not to harass and arrest the petitioner No.1 and 2 and also not to adopt any coercive measure against the petitioners and their family members in pursuance of the impugned first information report No.0352 dated 9.11.2023 lodged against the petitioners."

Learned counsel for the petitioners has submitted that informant had prior notice of a regular suit pending with regard to the disputed property before the Civil Judge (Junior Division), Lucknow, namely, Case No.141/2023 (Kulsum Vs. Ramkumar and others) instituted on 20th December, 1973. However, the informant asked the petitioners not to mention this fact in the sale-deed as it would be difficult for the informant to get loan from the LIC for acquiring the property. It is on the request of the informant that the petitioners did not mention this fact in the

sale deed.

This Court has gone through the impugned F.I.R. and also the counter affidavit filed on behalf of the informant and finds no good ground to believe the submission made by learned counsel for the petitioners.

Accordingly, the writ petition is hereby **dismissed**.

Order Date :- 30.11.2023

ML/-