

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9299 of 2023

Petitioner :- Harnand Kumar Agarwal

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

Counsel for Petitioner :- Anil Kumar Nishad, Anjani Shukla

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.

This petition has been filed with the following main prayer"-

"To issue a writ, order or direction in the nature of Certiorari thereby quashing the impugned the First Information Report dated 8-7-2023 filed by opposite party no.6 against the petitioners bearing case crime no.0206/2023 under section 419, 420, 467, 468, 471 and 506 of the I.P.C. Police Station Vajeerganj, District Lucknow Western Commissionerate Lucknow U.P. The copy of first information report dated 8-7-2023 is being annexed herewith as annexure no.1 to this writ petition."

It has been submitted by learned counsel for the petitioner that the co-accused have already been granted interim protection by this Court. A copy of the order passed in Criminal Misc. Writ Petition No.8292 of 2023: *Smt. Kamla Goyal and others*, has been filed as annexure-10 to the petition.

This Court has perused the interim order dated 03.11.2023 granted to the co-accused. Paragraph-3 of the same is quoted hereinbelow:-

"3. It has been submitted by learned counsel for the petitioners that the petitioners no. 1 and 2 are the bonafide purchasers and the petitioners no. 3 and 4 are the witnesses to the sale deed executed by One Harnand Kumar Agrawal. A perusal of the F.I.R. would show that the dispute is Civil in nature relating to the possession of the property in between Harnand Kumar Agrawal and Tarachandra Agarwal and the informant and the

petitioners have been falsely roped in. The dispute is civil in nature and has been tried to be given a criminal colour."

It is evident that the petitioners, who had approached this Court in Criminal Misc. Writ Petition No.8292 of 2023: *Smt. Kamla Goyal and others Vs. State of U.P. and others*, stood at a different footing than the petitioner herein, who is a seller.

After having examined the submissions advanced by learned counsel for the parties and perused the impugned F.I.R., we are of the opinion that the impugned F.I.R. discloses cognizable offence by the petitioner, hence, no interference is called for by this Court in its extraordinary power under Article 226 of the Constitution of India for quashing of the F.I.R. or for grant of any interim relief to the petitioner and accordingly, the present writ petition is ***dismissed***.

Order Date :- 7.12.2023
Rahul