

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9380 of 2023

Petitioner :- Irfan

Respondent :- State Of U.P. Thru. Secy. Deptt. Home, Lucknow And Others

Counsel for Petitioner :- Vivek Kumar Pandey

Counsel for Respondent :- G.A.,Sandeep Kumar Srivastava

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Heard learned counsel for the petitioner, learned A.G.A. for the State/respondents and Shri Sandeep Kumar Srivastava, for the private respondent No.4 and perused the material placed on record.

Short counter affidavit filed on behalf of respondent No.4 is kept on record.

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

"(i) issue a writ in the nature of Certiorari quashing the impugned in F.I.R. dated 22.11.2023, bearing F.I.R. No.0624/2023 U/S 419, 420, 467, 468, 471, 506 IPC P.S. Mankapur District Gonda, contained as **annexure No1** to this writ petition."

It has been submitted by learned counsel for the petitioner that the respondent No.4 has some personal enmity with Smt. Bitta, who has executed a sale deed on 06.06.2022 to the petitioner with regard to the land which was granted to her husband as Awasiya Patta by the Gram Sabha in question. Learned counsel for the petitioner has pointed out Annexure No.5 to the writ petition, which is an application given by the husband of Smt. Bitta, namely, Jabbar, S/o Bechchu complaining that he was granted Awasiya Patta on 06.06.1996 but the certificate with regard to the same has not been given to him.

It has been submitted by learned counsel for the petitioner that Gata No.23 Min. is Gram Sabha land of which 0.02 Hectare was granted as Awasiya Patta to the husband of Smt. Bitta and after death of her husband, she was in possession of the said Patta/land and the petitioner has got the same through a

registered sale deed, which is registered in the office of Sub Registrar, Mankapur, District Gonda.

Learned counsel for the private respondent has pointed out that the land belonging to Naveen Parti of the Gram Sabha has been given on lease for house to the husband of the seller. The seller had no right to sell off the said land to the petitioner, it has been submitted further on the basis of short counter affidavit, that the petitioner is a criminal and has a long history of similar nature of crimes, details of which have been given in paragraph 4 of the short counter affidavit, which is being quoted in below :-

"4. That it is respectfully submitted that the petitioner is a hard core criminal and have expertise in such kind of crime as the petitioner has a long criminal history of similar nature of cases, the some of criminal history of petitioner are herein as under :-

a. Case Crime No.142 of 2023 in Under Section 504, 323, 506, 427 I.P.C., Police Station Khodare, District Gonda.

b. Case Crime No.133 of 2023 in Under Section 323, 504, 506 I.P.C., Police Station Sadullah Nagar, District Balrampur.

c. Case Crime No.101 of 2023 in Under Section 354, 323, 504, 506 I.P.C., and Section 7/8 Protection of Children from Sexual Offences Act, 2012 Police Station Khodare, District Gonda.

d. Case Crime No.178 of 2022 in Under Section 363, 368, 504, 506 I.P.C. and Section 3/4 Protection of Children from Sexual Offences Act, 2012, Police Station Khodare, District Gonda.

e. Case Crime No.138 of 2007 in Under Section 323, 324, 504, 506 I.P.C., Police Station Khodare, District Gonda.

f. Case Crime No.111 of 2006 in Under Section 419, 420, 467, 468 I.P.C., Police Station Colonelganj, District Gonda."

It has been submitted that the petitioner has 06 wives. One of his wives had made complaint against some private persons under IGRS and an inquiry was instituted by the Superintendent of Police, Gonda, wherein the police has submitted a report that the petitioner is a habitual of engaging his wives for lodging false F.I.R.s against other persons to settle his personal score.

This Court having gone through the F.I.R. finds that reference is made of the Naveen Parti land of Gram Sabha having been bought by the petitioner from Smt. Bitta without disclosing that the land belongs to the Gram Sabha.

This Court does not find any good ground to show interference

in the matter.

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

Order Date :- 12.12.2023

ML/-