

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9458 of 2023

Petitioner :- Govind Sharan

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

Counsel for Petitioner :- Alok Srivastava

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 in the nature of certiorari thereby quashing the impugned first information dated 2.10.2023, vide case crime no. 373 of 2023 under Section 419, 420, 467, 468 IP.C., lodged at Police Station- Tarabganj, District- Gonda as contained in Annexure-1 to this writ petition.

(b) Issue a writ, order or direction in the nature of mandamus commanding the opposite party not to harass, detain or prosecute the petitioner in pursuance of the impugned F.I.R.

It has been submitted by the learned counsel for the petitioner that the petitioner has been falsely implicated in the impugned F.I.R. The informant has also no locus to lodge the F.I.R. The alleged land of chak marg belonged to the gram sabha. No member of the land management committee of the village concerned has come forward to lodge the F.I.R. It has been submitted that after F.I.R. was lodged, the petitioner derived knowledge that he has sole off land of chak marg and, therefore, he filed copy of suit for cancellation. A copy of the plaint has been annexed as Annexure-3 to the writ petition.

We have gone through the F.I.R. and also pleading on record, the petitioner is admitted that he is recorded tenure holder of only gata no. 1035, gata no. 1036 and gata no. 1038. He has no ownership of gata no. 1039, which was chak marg but because he was illiterate, he had no knowledge that in the sale deed mention has also been made of gata no. 1039. There is an

admission on the part of the petitioner that he has sold off gata no. 1039, which is admittedly chak marg. Therefore, this Court cannot grant the prayer as prayed in the writ petition. Thus, there is no ground to show interference.

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

Order Date :- 14.12.2023

Anuj Singh