

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9489 of 2023

Petitioner :- Jasbir Singh

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

Counsel for Petitioner :- Vijayendra Prakash Tripathi, Ravindra Kumar Mishra

Counsel for Respondent :- G.A., Jai Prakash Awasthi

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Heard learned counsel for the petitioner, learned AGA for State-respondents and Shri Jai Prakash Awasthi, learned counsel who has filed caveat on behalf of respondent no.4.

The present writ petition has been filed with a prayer to issue a writ, order or direction in the nature of certiorari for quashing the first information report dated 22.11.2023 at Case Crime No.0165 of 2023 under Sections 419, 420, 467, 468, 471 IPC at Police Station Hasanganj, District Lucknow and with a further prayer to stay the arrest of the petitioner.

It has been submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the impugned FIR. The petitioner was a tenant of Smt. Shakuntala Khanna wife of late Iqbal Nath Khanna at the rate of Rs.12,000/- per month with regard to shop no.7 situated at I.T. Market, I.T. Chauraha, Lucknow since 2015, as is evident from the rent agreement executed on 02.04.2015, a copy of which has been filed as Annexure no.2 to the writ petition.

During the period of tenancy Smt. Shakuntala Khanna had executed an agreement to sell in respect of the said shop in favour of the petitioner on 15.04.2015 and she had agreed to sell the shop in question for Rs.10 lakhs. The petitioner paid Rs.5 lakhs in cash and the remaining was to be paid on a monthly basis of Rs.12,000/- per month to Smt. Shakuntala Khanna and the installments started from 15.04.2015 and were to be continued till 15.07.2019 and that Smt. Shakuntala Khanna the land lady agreed that she would hand over the shop and the documents to petitioner in original on the execution of the agreement to sell. The opposite party no.4 is the daughter of Smt. Shakuntala Khanna and has lodged the impugned FIR with

the intention to harass the petitioner and to grab the shop in question. She has also filed an SCC Suit No.12 of 2018; Smt. Rupa Sehgal vs. Jasbir Singh before the District Judge, Lucknow in which the petitioner has appeared and is pending. It has been submitted that the dispute is civil in nature and has been tried to be given a criminal colour.

Learned counsel for respondent no.4 has pointed out that even before the SCC Suit was filed by respondent no.4, the petitioner had filed a false case no.1791 of 2017 which was dismissed by the Civil Judge, Junior Division, South Lucknow in which the petitioner has accepted respondent no.4 as his land lady and not Smt. Shakuntala Khanna. After dismissal of the said Suit on 01.02.2023 the respondent no.4 filed SCC Suit No. 12 of 2018 for eviction of the petitioner but during the pendency of the same, the petitioner has managed to forge documents including agreement to sell. The fingerprints experts and handwriting experts have given an opinion that signatures of Smt. Shakuntala Khanna the land lady have been forged by the petitioner.

This Court has perused the impugned FIR which shows cognizable offence being made out where there is specific allegation of forgery of documents.

This Court finds no good ground to show interference as prayed in this petition.

The Writ Petition is, accordingly, **dismissed**.

Order Date :- 15.12.2023

Arnima