

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9669 of 2023

Petitioner :- Subodh Kumar Tiwari @ Sammi Tiwari

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

Counsel for Petitioner :- Srees Kumar Srivastava

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

1. Heard learned counsel for the petitioner at length and learned A.G.A. who appears on behalf of the State Respondents.

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

"i) Issue a writ, order or direction in the nature of Certiorari thereby quashing the impugned First Information Report lodged by the opposite party no.3 against the petitioner on the basis of false and fabricated facts on 29.03.2022 at Case Crime No.80 of 2022, under section 419, 420, 467, 468, 471, 120-B Indian Penal Code, Police Station Bihar, district Unnao, contained in Annexure No.1 to this writ petition so for its relates to the petitioner, and

ii) Issue a writ, order or direction in the nature of Mandamus thereby directing the opposite parties no.1 to 3 not to take any action against the petitioner in connection to the impugned First Information Report lodged by the opposite party no.3 at Case Crime No.80 of 2022, under section 419, 420, 467, 468, 471, 120-B Indian Penal Code, Police Station Bihar, district Unnao, contained in Annexure No.1 to this writ petition; and"

3. This Court has perused the Annexure no.-5 which is Parcha No. 47 of the Case Diary dated 09.09.2023, wherein the Investigating Officer is reported to the Magistrate concern that during the course of investigation he has derived knowledge that Dharmendra Dixit @ Bachola had set up his brother-in-law Guddu S/o Babu Mishra as an imposter posing as Shiv Mangal Singh and Sanjay Tiwari had set up his brother Shami Tiwari S/o Surendra Kumar Tiwari posing as Santosh Kumar Singh and they had executed the sale deed as vendors of the property

as mentioned in the F.I.R.

4. This Court has also gone through the Statement under Section 161 of the Cr.P.C. of one of the witnesses, copy of which has been filed as Annexure-06 to the writ petition.

5. This Court finds from a perusal of the F.I.R. and also pleadings on record that sufficient evidence have been collected regarding complicity of the petitioner in committing fraud upon the opposite party no. 3. Therefore, this Court finds no good ground to show interference in the impugned F.I.R.

6. The writ petition is ***dismissed***.

Order Date :- 20.12.2023

Darpan Sharma