

Court No. - 12

Case :- CRIMINAL MISC. WRIT PETITION No. - 2992 of 2019

Petitioner :- Shiv Prasad

Respondent :- State Of U.P. And Ors.

Counsel for Petitioner :- Rama Kant Dixit, Sunil Kumar

Counsel for Respondent :- G.A., Arvind Kumar Tripathi, Vivek Kumar Tripathi

Hon'ble Saurabh Lavania, J.

1. Heard.

2. The present petition has been filed seeking following main relief(s):-

"I. Issue a writ, order or direction in the nature of certiorari quashing thereby the impugned order dated 04.12.2018 passed by Additional Session Judge/F.T.C. Shrawasti and also the order dated 19.06.2015 passed by Chief Judicial Magistrate, Shrawasti as contained in Annexure no.1 & 2 to this writ petition.

II. Issue a writ, order or direction in the nature of mandamus commanding to the Chief Judicial Magistrate Shrawasti to proceed with the complaint case no.5946A/2009, Shiv Prasad Vs. Lal Bahadur & Others after setting aside the impugned order dated 04.12.2018 passed by Additional Session Judge/F.T.C. Shrawasti and also the order dated 19.06.2015 passed by Chief Judicial Magistrate, Shrawasti."

3. Taking note of the observations made by the Magistrate as also the Revisional Court in the order under challenge and the contents of FIR lodged by petitioner, registered as Case Crime No.539 of 2009, under Sections 419, 420 and 506 I.P.C. at P.S. Kotwali Bhinga, District-Shrawasti, and the fact that after filing of final report by Investigating Officer the protest petition was filed and thereafter the same was treated as complaint case, this Court finds that in relation to a dispute before the Consolidation Officer the FIR was lodged, without any evidence, and in this view of the matter this Court is of the view that the petitioner wants to give criminal colour to a civil dispute and for this reason as also the law on the issue, this Court finds no force in the present petition. It is accordingly **dismissed**.

Order Date :- 19.12.2024

Anand/-