

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 19045 of 2023

Petitioner :- Badlu And 5 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Arjun Singh Yadav

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Mohd. Azhar Husain Idrisi,J.

1. Heard learned counsel for the petitioners and learned AGA.
2. The writ petition seeks quashing of the F.I.R. dated 17.11.2023 giving rise to Case Crime No.345 of 2023, under Sections 406, 420 IPC, Police Station- Ghazipur, District- Fatehpur.
3. The contention of learned counsel for the petitioners is that the first information report alleges that despite existing of an agreement to sell, the petitioners have not executed the sale deed in favour of the informant. The submission, therefore, is that the dispute is a civil dispute which could be resolved by means of a suit for specific performance. Such a civil dispute with ulterior motive has been given colour of criminality.
4. Matter requires consideration.
5. Issue notice to the respondent no.4, returnable within three weeks.
6. List this petition for admission on the date succeeding the date fixed in the notice for appearance of the respondents along with a tracking report.
7. Till the next date of listing, the petitioner may not be arrested consequent to the impugned F.I.R. dated 17.11.2023 giving rise to Case Crime No.345 of 2023, under Sections 406, 420 IPC, Police Station- Ghazipur, District- Fatehpur.
8. This protection shall be available either till the next listing or till submission of police report under Section 173(2) Cr.P.C., whichever is earlier. It is also provided that the petitioner shall fully cooperate in the investigation, failing which he shall not be entitled to the benefit of this order.

Order Date :- 8.12.2023

Himanshu