

Allahabad High Court

Lal Pratap Singh And Another vs State Of U.P.Through Prin. Secy. ... on 29 July, 2010

Court No. - 20

Case :- MISC. BENCH No. - 7056 of 2010

Petitioner :- Lal Pratap Singh And Another Respondent :- State Of U.P.Through Prin. Secy

Home Civil Sectt. Lko.And Petitioner Counsel :- Om Prakash Vishwakarma

Respondent Counsel :- G.A.,Santosh Kr Yadav Warsi

Hon'ble Raj Mani Chauhan,J.

Hon'ble Virendra Kumar Dixit,J.

Vakalatnama filed today by Sri Ram Narain Gupta, Advocate on behalf of the petitioners is taken on record. Counter affidavit filed today on behalf of the complainant, opposite party no.4, Gangadhar Tripathi, is also taken on record.

Heard learned counsel for the petitioners, learned A.G.A. and perused the F.I.R.

The submission of the learned counsel for the petitioners is that as per allegations of the First Information Report the petitioners committing forgery, has established new institution named as Rajeshwarnath Kanya Purva Madhyamik Vidyalaya, Mangapur, Vikas Khand, Sangipur, District Pratapgarh but there is no evidence against the petitioners that they had committed forgery. In fact the complainant is a Manager of Gramin Shishu Kalyan Samiti, Udaipur, District Pratapgarh but the Managing Committee of the school has not been duly cheated. In fact there is a dispute between the society of Rajeshwarnath Kanya Purva Madhyamik Vidyalaya and the Gramin Shishu Kalyan Samiti, Udaipur which can be decided by the Deputy Registrar of the societies. The complainant has lodged the impugned First Information Report with false allegations. Therefore the accused-petitioners deserve interim protection during the investigation.

Learned A.G.A. assisted by the learned private counsel for the complainant have opposed the petition and argued that the petitioners playing fraud have established a new institution namely Gramin Shishu Kalyan Samiti, Udaipur, District Pratapgarh. They have grabbed the property of the Rajeshwarnath Kanya Purva Madhyamik Vidyalaya, Mangapur, Vikas Khand, Sangipur, keeping in view the nature of offence the accused-petitioners do not deserve for interim protection.

Considered the submission of the learned counsel for the petitioners and the learned A.G.A., keeping in view the facts and circumstances of the case as well as the allegation of the complainant in the F.I.R. which discloses commission of cognizable offence, the writ petition is finally disposed of with the observation that till any credible and cogent evidence is collected against the petitioners or filing of the charge-sheet/police report under Section 173 Cr.P.C. by the Investigating Officer, whichever is earlier, the petitioners (Lal Pratap Singh and Gaya Bux Singh) will not be arrested by the Investigating Officer in Case Crime No.153 of 2010, under Sections 419, 420, 467, 468, 471 I.P.C., Police Station Udaipur, District Pratapgarh subject to their cooperation in the investigation which will go on.

Order Date :- 29.7.2010 PAL