



2026:AHC-LKO:21824-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. WRIT PETITION No. - 2580 of 2026

Noorul Hasan

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. (Home) Lko. And
Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Mayank Sharma
Counsel for Respondent(s)	:	G.A.

Court No. - 11

**HON'BLE ABDUL MOIN, J.
HON'BLE PRAMOD KUMAR SRIVASTAVA, J.**

1. Heard learned counsel for the petitioner, learned AGA appearing on behalf of the respondents no. 1 to 3 and Sri Ankit Srivastava, Advocate who has filed his Vakalatnama along with short counter today in Court on behalf of the respondent no. 4. The same be kept on record.
2. Under challenge is the First Information Report dated 08.03.2026 registered as Case Crime No. 0129 of 2026 under Sections 318 (4), 338, 336 (3), 340 (2), 191 (2), 115 (2), 352, 351 (3) of B.N.S, 2023 at Police Station- Thakurganj District- Lucknow, a copy of which is annexure 1 to the writ petition.
3. Contention of learned counsel for the petitioner is that from a perusal of the impugned First Information Report it emerges that the petitioner is said to have got executed a registered gift deed of a portion of house no. 467/65-71-A, Sheesh Mahal, Main Building, Hussainabad District- Lucknow in favour of Mohd. Adil and Mohd. Sohail Ajmat. On the basis of the said gift deed, both the persons had tried to get a new electricity connection which has been rejected by the electricity department. It has also been contended that the petitioner is a tenant of lower portion of the said house and has tried to usurp of the said property on the basis of fake and fabricated documents.
4. Contention is that the aforesaid allegation as levelled in the impugned First Information Report are patently false.
5. Elaborating the same, learned counsel for the petitioner contends that the petitioner is not a resident of the said house rather is residing in a separate house which is adjacent to the house which has been indicated in

the impugned First Information Report and there is no connection with the said house.

6. The other argument is that a civil suit has been filed by the sons of the petitioner (against whom there is the allegation of the petitioner having executed a gift deed) which suit is still pending before the learned Civil Judge (Senior Division), Mohanlal Ganj, Lucknow vide Regular Suit No. 283 of 2026 Inre' Ainul Hasan Vs. Ansarul Hasan and Ors. The complainant has been impleaded as defendant no. 2 in the said suit.

7. Contention is that as there is a civil dispute between the petitioner and the respondent no. 4 consequently, the impugned First Information Report has only been lodged in order to give criminal nature to the aforesaid civil suit which is illegally impermissible in the eyes of law.

8. No other ground has been urged.

9. In this regard, learned counsel for the petitioner has placed reliance on the judgments of the Apex Court in the cases of **Mohammed Ibrahim and Ors Vs. State of Bihar and Ors- (2009) 8 SCC 751 & Paramjeet Batra Vs. State of Uttarakhand passed in Criminal Appeal No. 2069 of 2012** decided on 14.12.2012.

10. On the other hand, Sri Ankit Srivastava, learned counsel for the respondent no. 4 has placed reliance on annexure 3 to the short counter affidavit to contend that on account of a dispute which was raised between the petitioner and the respondent no. 4, a complaint was submitted on Integrated Grievance Redressal System (In short "IGRS"). The petitioner had appeared at the police station and had signed an agreement which is part of the said report dated 14.09.2025 per which she has admitted that he is occupying the lower portion of the house no. 467/65-71-A, Sheesh Mahal, Main Building, Hussainabad District-Lucknow as a tenant since last thirty years and that the parties have arrived at a settlement which has been given on a stamp paper per which he has agreed to leave the said premises within a period of six months. Copy of the agreement is part of annexure 4 to the writ petition (page 34).

11. Sri Ankit Srivastava, learned counsel for the respondent no. 4 further argues that the petitioner, on the basis of the fake and fabricated gift deed, had moved an application before the Nagar Nigam for entering of his name in the records which has been rejected by the Nagar Nigam vide its order dated 19.03.2026, a copy of which is annexure 2 to the writ petition and consequently it emerges that the petitioner in fact is occupying the

same premises for which the impugned First Information Report has been lodged and for which a fake and fabricated gift deed has been executed by the petitioner in favour of his son. It is contended that even if the sons of the petitioner may have filed the aforesaid civil suit, the same cannot and will not depart from the fact of the petitioner having executed a fake and fabricated gift deed, house which in fact does not belong to him.

12. Heard learned counsels appearing on behalf of the contesting parties and perused the records.

13. From a perusal of the records it emerges that the petitioner claims to be not in occupation of the house in dispute rather is said to be occupying a house which is adjacent to the house in dispute which is said to be single storey house. However, there is nothing on record to indicate the house number of the house which the petitioner alleges to be occupying.

14. The petitioner has also not brought on record the agreement which has been arrived at between the petitioner and the respondent no. 4 which has been recorded at the police station. During the course of dictation of this order, learned counsel for the petitioner has given a stock reply that no such agreement has ever been executed by him.

15. This reply at bar may not detain the Court as despite the short counter affidavit having been filed today and the copy of the agreement having been annexed along with short counter affidavit, learned counsel for the petitioner has not prayed for filing of any rejoinder affidavit to the same. Thus, the natural corollary is that there cannot be any denial to the execution of the agreement. It goes without saying that once there is no denial of the said agreement rather there is only a verbal denial which has been given by the learned counsel for the petitioner and he having chosen not to file any reply to the said short counter affidavit it goes without saying that the said agreement must have been executed by the petitioner before the authorities.

16. In this regard, it would be apt to refer to the judgment of this Court in the case of **Praveen Kumar Pateria and anr Vs. State of U.P and Ors- 2018 (8) ADJ 5681** wherein this Court has held as under:-

"22- No rejoinder affidavit has been filed by the defendant-petitioners to the aforesaid counter affidavit.

*23- In the case of **Choksi Tube Company Limited Vs. Union of India- 1997(II) SCC 19 and Naseem Bano v. State of U.P. and others, 1993 (22) ALR 307**, Hon'ble Supreme Court held that in case a plea taken is not controverted in reply, it amounts to admission of the plea. Since, no rejoinder affidavit has been filed by the defendants-petitioners, therefore, the averments made in paragraph Nos. 5,6 and 12 of the counter affidavit, as afore-quoted are liable to be treated*

as correct."

17. From a perusal of the aforesaid discussion it is prima facie apparent that a fraud has been committed by the petitioner which has resulted in the impugned First Information Report being lodged.

18. It is also pertinent to mention that as per annexure 2 to the short counter affidavit it emerges that the petitioner Sri Noorul Hasan had preferred an application before the Nagar Nigam, Lucknow under Section 111 of the Uttar Pradesh Nagar Nigam Act, 1959 for the purpose of assessment of house tax which pertains to House No. 467/065 which is the same house number for which the impugned First Information Report has been lodged which is also indicative of the fact of the petitioner being in occupation of the said house.

19. So far as the ground taken by the petitioner of there being a civil suit pending between the sons of the petitioner and respondent no. 4, the same may not detain the Court inasmuch as the First Information Report has been lodged with regard to forgery committed by the petitioner pertaining to house no. 467/65-71-A and a perusal of the plaint of the civil suit, a copy of which is annexure 5 to the writ petition would indicate that there is no house number mentioned in the civil suit for which the suit has been filed.

20. So far as the judgment over which reliance has been placed by the learned counsel for the petitioner, the same may not detain the Court keeping in view the law laid down by the Apex Court in the case of **Somjeet Mallick Vs. State of Jharkhand and Ors- 2024 (INSC) 772** wherein the Apex Court has held as under:-

"18. It is trite law that FIR is not an encyclopedia of all imputations. Therefore, to test whether an FIR discloses commission of a cognizable offence what is to be looked at is not any omission in the accusations but the gravamen of the accusations contained therein to find out whether, prima facie, some cognizable offence has been committed or not. At this stage, the Court is not required to ascertain as to which specific offence has been committed. It is only after investigation, at the time of framing charge, when materials collected during investigation are before the Court, the Court has to draw an opinion as to for commission of which offence the accused should be tried. Prior to that, if satisfied, the Court may even discharge the accused. Thus, when the FIR alleges a dishonest conduct on the part of the accused which, if supported by materials, would disclose commission of a cognizable offence, investigation should not be thwarted by quashing the FIR."

21. From a bare perusal of the First Information Report it is apparent that a cognizable offence has been committed by the petitioner.

22. Even though there was no requirement of this Court to go into the grounds as have been urged by the learned counsel for the petitioner yet

on the insistence of the learned counsel for the petitioner, the Court has also gone into the grounds as urged by the learned counsel for the petitioner yet none of the grounds are found to be legal and tenable more particularly keeping in view the uncontroverted agreement which had been arrived at between the petitioner and the respondent no. 4 before the police with regard to house in dispute.

23. Keeping in view the aforesaid discussion, no case for interference is made out. Accordingly, the writ petition is dismissed.

March 26, 2026

Pachhere/-

(Pramod Kumar Srivastava,J.) (Abdul Moin,J.)