
(2010) 08 UK CK 0042

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 551 of 2010

Amit Sagar and Others

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 25-08-2010

Acts Referred:

Penal Code, 1860 (IPC) — Section 420, 506

Citation : (2010) 08 UK CK 0042

Hon'ble Judges : Dharam Veer, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Dharam Veer, J.—By means of this writ petition, the petitioner has prayed to issue writ of certiorari quashing the impugned FIR dated 8.7.2010 lodged by the respondent No. 3 as Case Crime No. 154/2010 u/s 420/506 IPC.

2. Heard learned Counsel for the parties and perused the entire material on record.

3. In nutshell the case of the prosecution is that respondent No. 3 was having customary relations with the petitioners who used to purchase jewellery from the shop of the respondent No. 3. The petitioners used to inform the respondent No. 3 that they are engaged in the business of Super Antique viz. Nagmani. In May 2009, co-accused Shobhit came in the shop of respondent No. 3 and informed about the selling of a Nagmani about which the respondent No. 3 on the same day informed the petitioners on which the talks were started for purchase of the said Nagmani and on 21st June 2009, co-accused Shobhit induced the respondent No. 3 that the said Nagmani starts lightning in dark. The light was closed but the alleged Nagmani had not lightened. However, on 22nd June the alleged Nagmani started lightning in the dark. When the respondent No. 3 informed about the same to the petitioner Amit Sagar, he told the respondent No. 3 that he has received real Nagmani and induced him to provide crores of

rupees in lieu of the same. On 26.6.2009, co-accused Shobhit agreed to sell Nagmani to the respondent No. 3 for Rs. 60.00 lacs. Petitioner Amit Sagar asked the respondent No. 3 to arrange the money. Later on 30.6.2009, petitioner Amit Sagar came to the house of respondent No. 3 and from there they proceeded for Sitapur and arrived there at 9:30 PM. Some other persons also joined the petitioner Amit Sagar. But the other place of meeting was fixed at Bareilly where on 1.7.2009 the respondent No. 3 stayed in a hotel, however the petitioner Amit Sagar stayed in another hotel. There on the enticement given by the petitioner Amit Sagar, the respondent No. 3 handed over the bag containing the money to co-accused Sudhir and Sanjeev. When the respondent No. 3 checked the said Nagmani for a long time, it had not lightened and then the respondent No. 3 came to know that he has been cheated. Later the respondent No. 3 tried to search the accused but all in vain. The respondent No. 3 did not disclose about this fact to anyone but when he came to know that the said accused have also cheated the other persons, he came to know that it was a joint conspiracy of the accused persons to cheat him and he was cheated for Rs. 60.00 lacs and inspite of repeated demands, they are not returning the money but on the other hand, they are trying to threat him that he would be falsely implicated in some other case by them.

4. Learned Counsel for the petitioner argued that the petitioner has been falsely implicated in the above case. Learned Addl. G.A. for the State opposed the submission raised by learned Counsel for the petitioner and stated that the petitioners have cheated the complainant for Rs. 60.00 lacs. The petitioners, in connivance with co-accused, allured the respondent No. 3 to buy an alleged Nagmani which was a forged one. When the respondent No. 3 demanded his money back, he was threatened by the petitioners and co-accused that he would be killed and further would be booked in some false case. Even in the counter affidavit filed by the respondent No. 3, it is stated that the petitioners and co-accused are the members of an organized Gang and the accused also organized crime with the other people of the town also who commits crime against the society.

5. After considering the entire facts and circumstances of the case and upon hearing learned Counsel for the parties as well as on perusal of FIR and other documents on record and also seeing the gravity of the offence, I am of the view that at this stage, prima facie offences punishable u/s 420/506 IPC are made out against the petitioners and the petition is liable to be dismissed.

6. The writ petition is dismissed summarily.