

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 529 of 2025

Petitioner :- Meisheng Chiang (Chiang Mei Sheng)

Respondent :- State Of U.P. Thru. Addl. Chief Secy./Prin. Secy. Home Deptt. Lko And 5 Others

Counsel for Petitioner :- Hemant Kumar Mishra, Abhishek Mishra, Arti Ganguly

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Om Prakash Shukla, J.

1. Heard learned counsel for the petitioner as well as learned A.G.A. who appears for the State-respondents.

2. This petition has been filed by the petitioner for the following prayer:

"a) To issue a writ order or direction in the nature of CERTIORARI for quashing the impugned First Information Report/ Case Crime No. 0021/2025 under sections 419/420/467/468/471 IPC Police Station Kotwali Nagar, District Ayodhya lodged by the Opposite Party No. 4 dated 10.01.2025, contained as Annexure no: 1 to the Writ Petition.

(b) To issue a writ order or direction in the nature of MANDAMUS commanding the Opposite Parties no. 1 to 3 to not proceed with the investigation, prosecute and arrest the petitioner in connection with impugned First Information Report/Case Crime No. 0021/2025 under sections 419/420/467/468/471 IPC Police Station Kotwali Nagar, District Ayodhya lodged by the Opposite Party No. 4, dated 10.01.2025 contained as Annexure no. 1 to the Writ Petition.

(c) To issue a writ order or direction in the nature of MANDAMUS commanding the Opposite Party No. 1, 2 and 3 to forthwith register a First Information Report under appropriate sections against the Opposite Party No. 4, 5 and 6 for lodging the impugned First Information Report concealing the material facts by exercising power under section 182 IPC (217 Bhartiya Nyay Sanhita, 2023-2023)."

3. The F.I.R. in question has been lodged by the opposite party No.4, who is a practicing Advocate on behalf of opposite party Nos. 5 and 6. It has been submitted that in the F.I.R. the allegation is of producing forged papers and in collusion with the co-accused including public servants procuring naturalization certificate under the Citizens Act, 1955 from the Ministry of Home Affairs, Government of India.

4. It has been submitted by learned counsel for the petitioner that the petitioner was born in 1943 in Kolkata. He studied in India and applied for naturalization certificate. He received information regarding registration of his application on 20.03.2009 from the Senior Superintendent of Police, Faizabad acting as Officer for Registration of Foreigners that he needed to submit certain papers. He submitted those papers. An inquiry was held by the Ministry of Home Affairs and thereafter the naturalization certificate under the Citizens Act was given to the petitioner on 22.03.2017.

5. It has been submitted that the impugned F.I.R. challenging such naturalization certificate alleging that the naturalization certificate has been obtained by fraud has been lodged only at the behest of the President of Mahabodhi Society of India-Dr. Mahendra Singh, against whom several litigation is going on. It has been submitted that a Suit under Section 229(B) of U.P.Z.A. & L.R. Act for declaration was decreed in favour of the petitioner on 15.11.2021, against which Dr Mahendra Singh filed an Appeal as President of Mahabodhi Society of India before the Commissioner, Devi Patan Division, Gonda, when his son Sri Shashi Bhushan Lal Shusheel was the Commissioner of the said Division. The appeal was filed with delay and without application for condonation of delay being first decided, the appeal was admitted and interim order was granted in favour of the opposite party No.6. by Sri Shashi Bhushan Lal Shusheel. The petitioner approached this Court in Writ Petition No. Writ-C 6033 of 2024:Meisheng Chiang (Chiang Mei Sheng) Vs. Commissioner, Devi Patan Division, Gonda and others and the order passed by the Court on 05.08.2024 making such observations as aforesaid have been filed as Annexure No.2 to the writ petition.

6. Having gone through the F.I.R. and also interim orders in favour of the petitioner, with regard to the litigation pending relating to the land under U.P. Z.A. & L.R. Act, this Court finds, prima facie, that the matter requires consideration.

7. Issue notice to the opposite party Nos. 4,5 and 6.

8. Steps be taken within a week.

9. List this matter on **06.03.2025**.

10. Till the next date of listing, the petitioner shall not be arrested in pursuance of the impugned F.I.R.. However, since the learned A.G.A. has produced before this Court instructions sent by Sub-Inspector, Kotwali City, Ayodhya- Raghuvveer Singh saying that despite being contacted, the petitioner has not

appeared before the Investigating Officer for recording of the statement, we direct the petitioner to co-operate in the investigation.

11. In case of failure to do so, it shall always be open for the State-respondents to bring it to the notice of this Court and pray for vacation of this interim order.

12. The petitioner is also directed to implead Secretary, Ministry of Home Affairs today itself in the array of respondents.

13. Let notice be issued to the newly impleaded respondent No.7.

14. The petitioner shall take steps forthwith.

Order Date :- 23.1.2025

Arvind