

Court No. - 40

Case :- WRIT - C No. - 32614 of 2023

Petitioner :- Ajay Kumar

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

Counsel for Petitioner :- Guru Prasad Mishra

Counsel for Respondent :- CSC

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard learned counsel for the petitioner, Mr. Ambrish Shukla, learned Additional Chief Standing Counsel for the State-respondents and perused the record.

2. Supplementary affidavit filed by learned counsel for the petitioner is taken on the record.

3. By means of this petition, petitioner has prayed for following reliefs:-

"(i) Issue a writ, order or direction in the nature of Mandamus directing the respondent authorities to issue the Character Certificate in favour of the petitioner in view of the application having Request No.318322308869 dated 06.07.2023 submitted by the petitioner.

(ii) Issue any other suitable writ, order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

4. In pith and substance, the petitioner's grievance is that the Character Certificate has not been accorded by the competent authority merely on accounts of the facts that applicant has been nominated as an accused in a case bearing Case Crime No.320 of 2018, under Sections 342, 504, 506 I.P.C., Police Station- Thana Bhawan, District- Shamli and charge-sheet in the aforesaid case has also been submitted against the petitioner herein on 09.01.2019. Learned counsel for the petitioner submits that merely on the basis of the aforesaid case which is not serious in nature, Character Certificate could not be accorded to the petitioner.

5. In the facts and circumstances of the case, no useful purpose would be served in keeping the writ petition pending consideration. The writ petition, on consent, is **disposed of** asking the Superintendent of Police, Shamli, District-Shamli-respondent

No.2 to further submit a report so that application of the petitioner may be processed by the District Magistrate, Shamli, District Shamli-respondent No.2., who must accord audience to the parties having stake in the matter and only thereafter decide the application expeditiously, preferably within six weeks. Suffice to indicate that the Court has not adverted on the merits of the case.

Order Date :- 17.10.2023

Sachin