

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 16792 of 2023

Petitioner :- Fr. Deepak Oswal And Another

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Gaurav Tripathi, Syed Imran Ibrahim

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra, J.

Hon'ble Mohd. Azhar Husain Idrisi, J.

Heard learned counsel for the parties.

This petition is directed against a notice dated 24.06.2023 issued to the petitioner U/s 111 Cr.P.C whereby the petitioner has been called upon to submit reply in the context of a threat to peace occurring at the spot on account of certain construction which are being raised at the premises itself. Various arguments are raised on behalf of the petitioner who contend that the notice itself is without jurisdiction.

Learned AGA states that apart from the petitioner such notices have been issued to more than hundred of persons as there had been an apprehension of breach of peace at the spot and all issues of fact as are being raised by the petition can be examined in the event, petitioner submits a reply to the notice itself.

Learned counsel for the petitioners states that there is a threat of petitioners' arrest in the event, he appears personally before the authority to submit the reply.

In the facts of the case, we find such apprehension of the petitioner to be wholly baseless. We find substance in the argument of State counsel that at this stage only a notice has been issued and, therefore, various arguments advanced in support of the petition need not engage our attention as the competent authority is expected to deal with those submissions at the first instance. It is therefore provided that in the event the petitioner submits his reply to the notice, the same shall be considered by the authority competent by passing reasoned order before proceeding any further. We record the statement of the learned counsel for the petitioners that such reply would be submitted within two weeks

from today and such objection shall be dealt with by the competent authority while passing a reasoned order.

Subject the observations made above, this petition stands dismissed.

Order Date :- 27.10.2023

Mayank