

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 2639 of 2023

Petitioner :- Rashid Ali

Respondent :- State Of U.P. Thru. Prin. Secy. Home Lko.
And Others

Counsel for Petitioner :- Syed Gazanfer Haider
Rizvi, Sabir Ali, Upmanyu Srivastava

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Heard learned counsel for the petitioner, learned AGA who appears on behalf of the State-respondents and perused the record.

Learned counsel for the petitioner has drawn attention of this Court through order passed on 7.4.2023 which is quoted hereinbelow:

"Learned counsel for the petitioner and learned A.G.A. who appears on behalf of the State Respondents.

This writ petition has been filed with the following main prayer:-

"(a) Issue a writ, Order or direction in the nature of Mandamus directing the Opposite Parties No. 1-3 to protect the life and liberty of the petitioner and to ensure safety and security of the petitioner and no physical or bodily injury or any other harm is caused to the person of the petitioner."

Learned counsel for the petitioner says that he has also filed an application under Section 156(3) before the Chief Judicial Magistrate, Hardoi against the private respondents on 06.09.2022 and date has been fixed for recordings of his statement under Section 200 Cr.P.C., but he fears for his life and he is hiding in Lucknow, and therefore, has not appeared before the Chief Judicial Magistrate concerned.

Learned A.G.A shall seek instructions with regard to the allegations made in the petition.

List this case on 12.04.2023, as fresh."

Learned AGA has produced before this Court parawise reply/instructions sent by Superintendent of Police, Hardoi wherein it has been stated that the petitioner has a dispute with the opposite party nos. 5 and 6 with regard to joint family property. The proceedings were initiated under Sections 107, 116, 151 IPC at P.S. Pihani, District Hardoi.

Because of manhandling a Case Crime No. 601 of 2022 under Sections 323, 504, 324 has also been lodged by the opposite parties no. 5 and 6 against the petitioner. The petitioner being annoyed with the police personnel initiated the proceedings under Section 107/116/151 IPC and approached the CJM concerned by moving an application under Section 156(3) Cr.P.C. He failed to appear before the Magistrate concerned on several occasions. Later on, on 3.4.2023 he appeared and got his statement recorded. The Magistrate concerned has converted it into a complaint case and the next date fixed in the matter as per the instructions dated 11.4.2023 was 17.4.2023.

The Superintendent of Police, Hardoi has stated that the petitioner has not been harassed by the police in any manner. His grievance is against his family members, the opposite parties no. 5 and 6. He has also been advised by the police to approach the revenue court concerned for partition of family property.

This Court has perused the contents of the writ petition and has heard the learned counsel for the parties and finds no good ground to show interference as prayed for.

In view of the aforesaid, writ petition is **dismissed**.

The instructions are kept on record.

Order Date :- 6.11.2023

AKK