

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 4532 of 2022

Petitioner :- Mohammad Aarif Alias Anna

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

Counsel for Petitioner :- Akhilendra Kumar
Goswami, Neeraj Singh

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 State-respondents and perused the record.

This writ petition has been filed with a prayer to issue a writ, order or direction in the nature of Mandamus commanding the opposite parties no. 1 to 4 to restrain the opposite parties no. 5 to 9 from causing illegal harassment and torture to the petitioner, without any rhyme and reason and for a direction to the respondents no. 2 and 3 to take suitable action against the opposite parties no. 5 to 9 for causing unnecessary harassment to the petitioner.

Learned AGA has produced before this Court instructions sent by Sub Inspector, P.S. Kotwali Nagar, District Gonda wherein it has been stated that the petitioner is not being harassed. He is an accused in a case filed under Section 8/21 of N.D.P.S. Act. He further states that the charge sheet has been prepared and submitted to the Special Court, N.D.P.S. Act, Gonda on 10.7.2021.

This Court has gone through the writ petition where the petitioner had prayed for a mandamus to be issued to the respondents not to harass him unnecessarily as he is not an accused in any criminal case. In one Criminal Case No. 442 of 2021, no order of summoning/bailable warrant/non bailable warrant has been issued by the court concerned.

In view of the aforesaid submissions of the learned counsel for the petitioner as well as A.G.A., the writ petition is **dismissed**, however, it is open for the petitioner to approach the trial court.

The instructions are kept on record.

Order Date :- 3.11.2023

AKK