

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 3972 of 2023

Petitioner :- Shiv Prasad Verma And Another

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

Counsel for Petitioner :- Ambika Prasad Mishra, Santosh Kumar Shukla

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Heard learned counsel for the petitioner and learned A.G.A. for the State-respondents.

This petition has been filed praying the following reliefs:-

- (a) Issue a writ, order or direction in the nature of certiorari thereby quashing the impugned first information dated 18.4.2023, vide case crime no. 276 of 2023 under Section 419, 420, 467, 468, 471 I.P.C., lodged at Police Station- Kotwali City, District- Hardoi as contained in Annexure-1 to this writ petition.
- (b) Issue a writ, order or direction in the nature of mandamus commanding the opposite party no. 2 and 3 not to harass, detain or prosecute the petitioner in pursuance of the impugned F.I.R.

This Court had granted time to learned A.G.A. to seek instruction in the matter from the Jail Superintendent concerned with regard to the Annexure No. 2 to the writ petition.

Learned A.G.A. has produced instructions sent by Inspector-Ram Kewal Tiwari, Police Station- Kotwali City, District-Hardoi wherein it has been stated that the Jail Superintendent vide his letter dated 233/A-R/2023 dated 11.5.2023 has informed that as per the reports maintained in the District-Kheri Smt. Guddi @ Rajesh Kumari, D/o Late Ram Naresh Tiwari had gone to jail along with her mother Smt. Munni Devi, w/o Smt. Late Ram Naresh Tiwari, as she was only 5 years old Smt. Munni Devi was lodged in Jail in case crime no. 776/76 under Section 33/43/48 of the DIR and Section 188 I.P.C. registered at Police Station- Barabanki. At the time of lodging of the mother of the petitioner in jail she had two children with her. One was male child of one and half years old

and other was a female child i.e. petitioner- Rajesh Kumari herself, who was five years old, as there was no one look after them. They had not been accused and they had not been sent to judicial remand. They had gone to jail, there was no one to look after them and their mother was in jail, a copy of report of 969/Na.Ba. Ni. /2023 dated 19.6.2023 and copy of 'hawalat' register and copy of entry made in case diary have been referred in the said inspection.

Counsel for the petitioner has insisted that she had gone along with 22 other persons to jail out of which 13 belonged to her family because they had protested against the Government's Policy during Emergency. The counsel for the petitioner has referred to page 69 of the paper book, which is part of the letter sent by Shiv Prasad, Lok Tantra Senani and Patron of Bhartiya Lok Tantra Rakshak Senani Samiti Subhash Nagar, Hardoi dated 10.4.2023 which mentions the name of the mother of the petitioner as Lok Tantra Senani, who was alive at the time of issuance of such letter and right below the name of Smt. Munni Devi is the name of Rajesh Kumari @ Guddi- her daughter.

The Court had also perused the application made by the petitioner to the District Magistrate for grant of pension under Lok Tantra Senani Pension Policy, in the said application a copy which can be found at 102 of the paper book, the petitioner had stated that she had gone to jail in protest of Emergency and for release of Jai Gurudev Ji Maharaj from jail and for protesting against Forcible Sterilizations and cow slaughter in Jail Bharo Andolan.

The Court having perused the impugned F.I.R. that has been lodged after preliminary fact finding enquiry has been done in the matter, therefore, this Court finds no ground to show interference.

The writ petition is, **accordingly, dismissed.**

Order Date :- 18.12.2023

Anuj Singh