

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 4597 of 2023

Petitioner :- Mohammad Hanif Khan And 2 Others

Respondent :- State Of U.P. Thru. Secy. Deptt. Of Home Lko. And 3 Others

Counsel for Petitioner :- Mohd. Nafees

Counsel for Respondent :- G.A.

Hon'ble Dinesh Kumar Singh,J.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard learned counsel for the petitioners and learned A.G.A. appearing for the State-respondents.

2. The present petition under Article 226 of the Constitution of India has been filed seeking following reliefs:-

"(i) issue a writ, order or direction in the nature of Certiorari quashing the impugned First Information Report dated 17.01.2022 registered at FIR/Case Crime No.0022 of 2022, under Sections 419, 420, 467, 468, 471 I.P.C., Police Station-Wazeerganj, District-Lucknow, as contained in Annexure No.1 to this writ petition.

(ii) issue a writ, order or direction in the nature of Mandamus directing the opposite parties not to arrest the petitioners in pursuance of the impugned First Information Report dated 17.01.2022 registered at FIR/Case Crime No.0022 of 2022 under Sections 419, 420, 467, 468, 471 I.P.C., Police Station-Wazeerganj, District-Lucknow, as contained in Annexure No.1 to this writ petition.

(iii)...

(iv)..."

3. Earlier, the petitioners alongwith other co-accused persons have approached this Court by filing a writ petition bearing Criminal Misc. Writ Petition No.4147 of 2022, which was disposed of vide order dated 22.06.2022. The said order would read as under:-

"Heard learned counsel for the petitioners and learned Additional Government Advocate for the State.

The petitioners seek issuance of a writ in the nature of certiorari quashing the First Information Report bearing Case Crime No.0022 of 2022, under Sections 419, 420 I.P.C., Police Station Wazeerganj, District Lucknow.

After arguing the matter at some length, learned counsel for the petitioners confines his relief for giving the protection already prescribed in the Code of Criminal Procedure under Section 41-A thereof.

The police is obliged to adhere to the statutory protection prescribed under Section 41-A Cr.P.C., even if, there is no direction of the Court. They shall do so in this case also.

With the aforesaid observations/directions, writ petition is disposed of. "

4. It appears that during the course of investigation, offences under Sections 467, 468 and 471 I.P.C. have been found and some of the accused persons have been arrested as the offences which have been found to be committed entails punishment up to life imprisonment.

5. Considering the aforesaid facts, this Court does not find any ground to interfere with the investigation.

6. In view thereof, the present petition is hereby **dismissed**.

(Syed Qamar Hasan Rizvi,J.) (Dinesh Kumar Singh, J.)

Order Date :- 21.6.2023

Piyush/-