

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 4804 of 2023

Petitioner :- Shashi Kumar Gupta

Respondent :- State Of U.P. Thru. Secy. Deptt. Of Home, Civil Sectt. Lko. And Others

Counsel for Petitioner :- Mohammad Irfan Siddiqui

Counsel for Respondent :- G.A.

Hon'ble Dinesh Kumar Singh,J.

Hon'ble Syed Qamar Hasan Rizvi,J.

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

The present writ petition under Article 226 of the Constitution of India has been filed for quashing of the F.I.R. No.0354/2022 under Sections 419, 420, 467, 468, 471, 506 IPC, Police Station Gangaghat, District Unnao.

Learned counsel for the petitioners submits that the allegations in the F.I.R. are false and concocted. It is further stated that the treatment of eye of the petitioner is going on and the petitioner is not able to see anything and totally blind.

He further submits that the incident is of the year 2004 however, the F.I.R. has been lodged in the year 2022 with connivance of opposite party No.4 and his family members and a false first information report was lodged against the family members of petitioner but the investigating agency after investigation has found totally false case and initiated the proceedings against the complainant under Section 182 Cr.P.C.

We find some substance in the submission advanced on behalf of learned counsel for the petitioner and therefore, we **dispose of** this writ petition with direction to the Investigating Officer

that he should carry out the investigation in a free, fair and impartial manner and till some credible evidence is collected or found against the petitioner, he shall not be arrested in relation to the F.I.R. in question however, the petitioner shall cooperate in the investigation.

Order Date :- 22.6.2023

Saurabh Yadav/-

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