

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7699 of 2023

Petitioner :- Mohd. Anwar Khan

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

Counsel for Petitioner :- Shamshad Ahmad Khan, Mohammad Arshad

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Ajai Kumar Srivastava-I, J.

This Court had earlier passed an order on 06.10.2023 directing the learned A.G.A. to seek instruction in the matter.

Learned A.G.A. has produced before the Court the instruction sent by Sub Inspector, Dharendra Pratap Singh, Police Station-Sushant Golf City, District-Lucknow dated 16.10.2023, which is taken on record.

On the said instruction, it is evident that the petitioner had uploaded a video of a highly sensitive area, such as the Police Headquarters at Gomti Nagar, Lucknow, on 29.05.2023. The said video was examined closely. A notice was sent under Section 91/180 Cr.P.C. to the petitioner at his disclosed residential address to get his statement recorded at the police station concerned, with regard to which drone has been used by the petitioner to shoot the objectionable video and which mobile has been used by him to upload the objectionable video on YouTube. The petitioner was initially not found at his residential address and his mother was served with the notice meant for the petitioner. The petitioner, thereafter, appeared at the police station concerned and his statement was recorded. His mobile phone was also sealed and kept as evidence. The petitioner was asked about the two-wheeler and four-wheeler used by him while shooting the video. He also informed the police concerned that he has two four-wheelers and one unarmed guard. The unarmed guard has been kept by him to ensure his safety. It has been submitted that the investigation is at a nascent stage.

It has been argued by the learned counsel for the petitioner that the petitioner is a person of "public status" who is followed by over 20 lakhs people on social media platforms, and because of

his popularity, the police has falsely implicated him in the impugned F.I.R.

This Court has put a specific query to the counsel for the petitioner, whether the petitioner does some other work except uploading videos on social media platforms. He says that the petitioner does nothing else except shoot videos and upload them on social media platforms. This Court has also put a specific query as to whether the petitioner files an income tax return for the advertising revenue that the petitioner garners from uploading videos on the YouTube channel in his name. The counsel for the petitioner has failed to give any reply.

This Court, having perused the instruction and also the F.I.R., finds no good ground to show interference as cognizable offence has been made out.

Accordingly, the writ petition is **dismissed**.

Order Date :- 16.10.2023

A.Dewal