

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8004 of 2023

Petitioner :- Mohd. Salman Siddiqui

Respondent :- State Of U.P. Thru. Addl. Chief Secy./Prin. Sectt. Deptt. Govt. Lko And Others

Counsel for Petitioner :- Ajeya Mishra

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Ajai Kumar Srivastava-I,J.

(1) Heard the learned counsel for the petitioner and the learned A.G.A. who appears for the Opposite party nos.1, 2 & 3.

(2) This petition has been filed by the petitioner for the following main prayer:-

"1) to issue a writ, order or direction in the nature of Certiorari quashing the impugned First Information Report dated 20.09.2023 vide F.I.R./Case Crime No.0180 of 2023, under Sections 302, 307, 324 I.P.C., registered at Police Station Hansvar, District Ambedkar Nagar, contained in Annexure No.1 to this writ petition."

(3) It has been submitted by the learned counsel for the petitioner that the entire prosecution story cooked up in the F.I.R., is false. The petitioner was in Lucknow as can be seen from the photographs taken of CCTV Footage of a Hotel premises where the petitioner was present when the incident took place. A copy of the photographs dated 19.09.2023 of the petitioner are being filed as Annexure no.4 to the writ petition.

(4) It has been submitted by the learned counsel for the petitioner that when the incident took place as alleged in the F.I.R., the petitioner had stayed in the Hotel SRG INN, situated in Gomti Nagar, Lucknow.

(5) This Court having gone through the F.I.R. finds no good ground to show interference in the matter and *prima facie* the offence is made out, whether the petitioner was in Lucknow or not can be seen only by the Trial Court at the time of taking evidence.

(6) The writ petition stands ***dismissed***.

Order Date :- 16.10.2023

N.PAL