

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8526 of 2023

Petitioner :- Indra Bhushan Sharma

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

Counsel for Petitioner :- Prabhat Kumar Upadhyay, Amit Kumar Singh, Sachin Jaiswal

Counsel for Respondent :- G.A., Anand Kumar Bajpai, Doodh Nath Mishra

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

1. Heard learned counsel for the petitioner, learned A.G.A. who appears on behalf of the State Respondents and Sri Doodh Nath Mishra, Advocate who has appeared on behalf of the opposite party no. 3.

2. This petition has been filed with the following main prayers:-

"1. To issue a writ, order or direction in the nature of Certiorari quashing thereby F.I.R. No. 124/2023 dated 05.09.2023 U/s. 386 and 506 IPC registered at P.S. Hasanganj, District Lucknow Central, Commissionerate Lucknow which is contained as Annexure No. 1 to the Writ Petition.

2. To issue a Writ, Order or direction in the nature of Mandamus commanding thereby Opposite Party No. 2 and 3 not to arrest the Petitioner in pursuance to case Crime No. F.L.R. No. 124/2023 dated 05.09.2023 U/s. 386, 506 IPC, P.S. Hasanganj, District Lucknow Central, Commissionerate Lucknow which is contained as Annexure No. 1 to the Writ Petition.

3. To issue a writ, order or direction in the nature of Mandamus commanding thereby Opposite Party No. 2 and 3 to investigate the case Crime No. /F.I.R. No. 124/2023 dated 05.09.2023 U/s. 386, 506 IPC, P.S. Hasanganj, District Lucknow Central, Commissionerate Lucknow in fair & impartial manner and in time frame stipulated by this Hon'ble Court."

3. It has been submitted by the learned counsel for the petitioner that the petitioner is 54 years of age and has no

criminal history and is a Journalist of Swatantra Bharat, Local Hindi Newspaper published from Lucknow. The petitioner came into contact with one Subodh Kumar Verma @ Shibbu, who sought his help saying that some illegal construction is taking place in adjoining house, bearing House no. 497/5 & 6., to the house of Subodh Kumar Verma. The petitioner wrote a complaint to the Secretary, Awas and Nagar Vikas on 23.09.2022 regarding no sanction ever been given to the opposite party no. 4 to demolish the house or to build the new one in its place.

4. A copy of the application dated 23.09.2022 sent to the Secretary, House and Urban Development has been filed as Annexure No. 5 to the petition. The opposite party no. 4 being annoyed with the complaint being made against him has lodged the impugned F.I.R. alleging that the petitioner is threatening the opposite party no.4 to give Rs. 20 lakhs to Shibbu @ Subodh Kumar Verma before he can be allowed to raise construction.

5. Learned Counsel appearing on behalf of the opposite party no. 4, Sri Doodh Nath Mishra, has produced before this Court copy of a certificate issued by one Sri Apporv Jaiswal, Bureau Chief, Swatantra Bharat saying that Indra Bhushan Sharma S/o Amar Dev Sharma R/o Alambagh, Lucknow was a Journalist and he has left Swatantra Bharat w.e.f. 01.09.2023 and the Swatantra Bharat Publications have nothing at all to do with the petitioner.

6. The said certificate is kept on record.

7. It has been submitted by Sri Doodh Nath Mishra, Advocate that the opposite party no. 3 had purchased a dilapidated house, He got a sanction from the Lucknow Development Authority for its demolition and for raising new construction and when he was raising new construction the petitioner posed himself himself to be a Journalist tried to threaten the informant and the entire incident has been recorded truthfully in the F.I.R. that has been filed by opposite party no.4.

8. This Court finds has perused the F.I.R and finds no good ground to show interference in the impugned F.I.R.

9. Accordingly, the writ petition stands **dismissed**.

Order Date :- 6.11.2023

Darpan Sharma