

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8578 of 2023

Petitioner :- Ashiq Ali Alias Ashif Alias Raju

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

Counsel for Petitioner :- Upendra Prakash Pathak

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,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) Issue a writ, order or direction in the nature of Certiorari quashing the impugned First Information Report dated 04.05.2018, F.I.R. No.0126 of 2018, under Sections 419, 420, 467, 468, 471, 504, 506 I.P.C., at Police Station Asandra, District Barabanki, lodged by the Opposite party no.4 as contained in Annexure No.1 to the writ petition."

(3) It has been submitted by the learned counsel for the petitioner that the petitioner has been falsely implicated in the impugned F.I.R. From a bare perusal of the F.I.R., it appears that no active role has been played by the petitioner in the commission of crime and all the allegations are against one Mohd. Mehtab, who had taken money from several persons on the promise of getting them jobs Abroad/in West Asia.

(4) It has been submitted by the learned counsel for the petitioner that an Agreement has been arrived at between Mohd. Mehtab and the complainant Wasiuddin.

(5) We have gone through the short counter affidavit filed today by Shri Wasiuddin, the Opposite party no.4, wherein it has been stated that Wasiuddin does not want to prosecute the petitioner as all the fraud has been committed by Mohd. Mehtab.

(6) The written instructions filed today in Court, are taken on record.

(7) Learned A.G.A. on the basis of instructions sent by Shri Durga Prasad Shukla, Sub-Inspector of Crime Branch, Barabanki, says that the petitioner has been absconding, as a result, Non-Bailable Warrant was issued and then the proceedings of Section 82 of the Cr.P.C. have been initiated against him on 22.09.2023. Notice regarding the same has been affixed on the house of the petitioner also on 24.09.2023.

(8) Learned counsel for the petitioner says that the main accused Mohd. Mehtab, has already been granted Anticipatory Bail by the Competent Court.

(9) Accordingly, this writ petition is **disposed of** with a direction to the petitioner to approach the Court concerned.

Order Date :- 7.11.2023
N.PAL