

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8610 of 2023

Petitioner :- Mohd. Danish

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

Counsel for Petitioner :- Gulam Rabbani

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

1. Heard learned counsel for the petitioner and learned A.G.A. who appears on behalf of the State Respondents.

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

"a. issue a writ, order or direction in the nature of certiorari thereby quashing the impugned first information report lodged by the opposite party no.3 on 17.2.2023 vide F.I.R. No. 48 of 2023, under sections-147, 332, 353, 307, 504, 506 1.P.C. and Section 3 (2)(v) S.C.S.T. Act, later on converted under sections-147, 148, 149, 332, 353, 307, 504, 506 I.P.C. and Sections 3 (2) (v) S.C.S.T. Act, at Police Station- Cantt., District- Ayodhya, as contained in Annexure no.1 to this writ petition, so far as it relates to the petitioner.

b. issue a writ, order or direction in the nature of mandamus commanding the opposite parties no.1 and 2 not to arrest or adopt any coercive measures against the petitioner on the basis of impugned first information report lodged by the opposite party no.3 on 17.2.2023 vide F.I.R. No. 48 of 2023, under sections-147, 332, 353, 307, 504, 506 I.P.C. and Section 3 (2) (v) S.C.S.T. Act, later on converted under sections-147, 148, 149, 332, 353, 307, 504, 506 I.P.C. and Sections 3 (2) (v) S.C.S.T. Act, at Police Station- Cantt., District- Ayodhya, as contained in Annexure no.1 to this writ petition."

3. It has been submitted by the learned counsel for the petitioner that the petitioner is not named in the F.I.R.

4. Learned A.G.A. for the State Respondent has pointed out that during the course of investigation the name of the petitioner has come to light.

5. It has also been pointed out that the petitioner has incorrectly arrayed respondents. The respondent no. 3 is in fact an employee of 33 K.V. Sub-Station of Electricity Distribution Division, Mumtaz Nagar, Ayodhya. The petitioner has not impleaded the opposite party no. 3 properly.

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

7. The writ petition stands ***dismissed***.

Order Date :- 7.11.2023

Darpan Sharma