

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8818 of 2023

Petitioner :- Mohd. Talib

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

Counsel for Petitioner :- Shadab Haider

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Heard learned counsel for the petitioner, learned A.G.A. for the State/respondents and perused the material placed on record.

Instructions sent by Incharge Inspector, Police Station Madeyganj, Lucknow are kept on record.

This writ petition has been filed by the petitioner with the prayer to issue a writ, order or direction in the nature of mandamus commanding the opposite parties concerned to take the necessary action in respect of grievances of the petitioner raised in the application dated 06.11.2023 as contained in Annexure No.1 to this writ petition and protect the petitioner from the illegal harassment and torture from the local police of police station- Madeyganj, District - Lucknow, in the interest of justice. A further prayer has been made for issuing a writ, order or direction in the nature of mandamus commanding the opposite party no.2 to consider and decide the application dated 06.11.2023 of the petitioner as contained in Annexure No. 1 to this writ petition.

Learned counsel for the petitioner submits that the petitioner is being unduly harassed by the police personnel of the Police Station Madeyganj, District Lucknow. He is a poor person, running a shop of the Parchun for his livelihood. He is not an accused in any criminal case. The Sub Inspector of Police Station Madeyganj has demanded Rs.5000/- from the petitioner whereas the opposite party No.4 has demanded Rs.50,000/-

from him and threatened him of lodging false case against him. Hence, this writ petition has been filed.

Learned A.G.A. has produced before this Court detailed instructions sent by Abhay Kumar Singh, Incharge Inspector, Police Station Madeyganj, Lucknow wherein it has been stated that Mohd. Talib, the petitioner is an accused in case Crime No.66/2023, under Sections 419, 420, 467, 468, 471, 406 I.P.C., Police Station Musafirkhana, District- Amethi. The Investigating Officer has tried to take the statement of the petitioner but he has not been present at home. Proceedings under Section 55 Cr.P.C. was imposed and nonailable warrant was also affixed at his door. The petitioner has been absconding. It has also been submitted that one Vimla Devi and Sudhir Singh have also given complaints and a case under Case No.1007/2022, under Section 138 of Negotiable Instruments Act is pending before the Additional Civil Judge (J.D.), Court No.43, Jaunpur where the date fixed for appearance of the petitioner is 22.11.2023. For attempting to serve the summons of the said court on the petitioner, he was contacted on his mobile number but the petitioner has been evading service of summons in the said complaint case also. Petitioner is also having criminal history of 06 cases.

This Court having gone through the record including instructions, finds no good ground to show interference in the matter.

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

Order Date :- 17.11.2023

ML/-