

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9168 of 2023

Petitioner :- Bhanwi Kumari Singh

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

Counsel for Petitioner :- Sonika Dixit, Manish Jauhari

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Heard learned counsel for the petitioner and learned A.G.A. for the State-respondents.

This writ petition has been filed with the following main prayer:-

"(i) Issue a writ, order or command or direction in nature of certiorari summoning the record in original and quashing First Information Report dated 04.09.2023 registered as Case Crime/FIR no. 0256/2023 under sections 500/509/120B of Indian Penal Code PS- Hazratganj in respect to the petitioner in the interest of justice."

It has been submitted by learned counsel for the petitioner that the petitioner has never met any reporter of ABP news. She had no concern with the news programme/ special programme/ item that was broadcasted on ABP news channel which has been made the basis of the impugned FIR by her sister. There is a property dispute going on between the petitioner and opposite party no.4. There is also a divorce suit pending in the concerned Court filed by the husband of the petitioner, wherein the petitioner has given a written statement in which such allegations, as have been mentioned in the impugned FIR, have been made but she has not provided any copy of her written statement to the news reporter Abhishek Upadhyay or the news anchor Akhilesh Anand or even the editor of the ABP news. She has not washed dirty linen in public. The ABP news was responsible for making such statement in the offensive programme that was telecasted on the news channel which has resulted in the lodging of FIR by her sister.

This Court when put a specific query to the petitioner that whether she has made a complaint to the broadcasting authority

regarding the misconduct of ABP news and its reporters, and that as to whether the petitioner has approached any police authority against the conduct of ABP news and its reporters, learned counsel for the petitioner answered to both the queries in negative. We cannot say with certainty whether the petitioner was responsible for the contents of the ABP news channel programme which has resulted in defamation of opposite party no.4 in public, however we find from the perusal of the impugned FIR and the instructions sent by Sub-Inspector Alok Kumar Singh, Police Station Hazratganj, District Lucknow dated 30.11.2023, which are taken on record, that the offences being covered by the law settled by the Hon'ble Supreme Court in the case of **Arnesh Kumar Vs. State of Bihar**, reported in (2014) 8 SCC 273, notice has been issued under Section 91 Cr.P.C. to all concerned by the Investigating Officer on 14.11.2023.

This writ petition is, accordingly, **disposed of** with a direction to the Investigating Officer to record statements and then proceed strictly in accordance with law.

Order Date :- 1.12.2023

Arnima