

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9313 of 2023

Petitioner :- Mohammad Sharoof Alias Sharukh And Another

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

Counsel for Petitioner :- Rehan Ahmad Siddiqui

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Learned counsel for the petitioners has pointed out order dated 08.12.2023. The order dated 08.12.2023 is quoted herein below :-

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

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

"(I) A writ, order or direction in the nature of Certiorari for quashing of the impugned F.I.R., registered at Case Crime No.131/2023 u/s 429 I.P.C. & 3/5/8 Prevention of Cow Slaughter Act of P.S. Shridatganj, Distt Balrampur, as contained in (Annexure No.1) to this petition.

(II) A writ, order or direction commanding the opposite parties not to proceed, prosecute or arrest the petitioners on the basis of impugned F.I.R."

It has been submitted by learned counsel for the petitioners that petitioners' vehicle was stopped on the way by the police team and certain recoveries were made of buffalo meat therefrom. The petitioners were charged by the impugned F.I.R. under Section 429 I.P.C. They were also bailed out, as buffalo meat is not prohibited and Sections 3/5/8 of the Cow Slaughter Act were not invoked, still the petitioners are being harassed by the police. The petitioners, therefore, have come before this Court.

Learned A.G.A. has produced before this Court instructions sent by Sub Inspector, Police Station Shriduttganj, District-Balrampur, wherein it has been stated that Sections 3/5/8 of the

Cow Slaughter Act have been added.

Instructions are kept on record.

It has been submitted by learned counsel for the petitioners that the Chief Veterinary Officer has lodged the impugned F.I.R. and he himself stated in the impugned F.I.R. that the recovered meat was of buffalo. It is not known as to how the sections of Cow Slaughter Act have been invoked against the petitioners.

Learned A.G.A. shall seek specific instructions as to whether there is any report of the Chemical Analyst to show that the alleged buffalo meat was infact cow meat/beef.

List this matter on 15th December, 2023, as fresh."

Learned A.G.A. has produced before this Court instructions sent by Sub Inspector, Police Station Shriduttganj, District Balrampur, wherein it has been stated that after chemical analysis of the meat recovered, showed in the report that the sample belongs to the cow or its progeny and Section 3/5/8 of the Cow Slaughter Act have been added during course of investigation.

Instructions are kept on record.

This Court having perused the F.I.R. and the instructions, finds no good ground to show interference.

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

Order Date :- 15.12.2023

ML/-