

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9602 of 2023

Petitioner :- Mohammad Shahid

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

Counsel for Petitioner :- Sudhir Kumar Mishra

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 petition has been filed praying the following reliefs:-

(a) Issue a writ, order or direction in the nature of certiorari thereby quashing the impugned first information vide case crime no. 612 of 2023 under Section 494, 341, 506 I.P.C. and 3/4 of the Muslim Women (Protection) Act, 2019, lodged at Police Station- Thakuganj, District- Lucknow as contained in Annexure-1 to this writ petition.

(b) Issue a writ, order or direction in the nature of mandamus commanding the opposite party not to harass, detain or prosecute the petitioner in pursuance of the impugned F.I.R.

It has been submitted by the learned counsel for the petitioners that this is second F.I.R. In the first F.I.R. the opposite party no. 5 had complained to the police station, which was registered as case crime No.0848, under Section 498A, 323, 504, 506 I.P.C. and 3/4 D.P. Act, Police Station- Thakurganj, District- Lucknow Gramin. The the petitioner had filed an application/petition under Section 482 Cr.P.C. No. 3853 of 2021 against the charge sheet filed in the said and the Court vide order dated 30.11.2023 had pleased to grant the benefit of judgment dated 7.10.2021 passed by Hon'ble Supreme Court in ***Special Leave to Appeal (Cri) No.5191 of 2021 Satender Kumar Antil versus Central Bureau of Investigation and another.***

The learned A.G.A. has pointed out from the contents of the second F.I.R. that the second F.I.R. has been lodged by the opposite party no. 5 but the allegation in the said F.I.R. is different from the F.I.R. that was lodged earlier.

This Court having perused the impugned F.I.R. finds that the opposite party no. 5 was deserted and thereafter the petitioner married one Sakina and because the opposite party no. 5 had lodged F.I.R. the petitioner engaged some persons to threatened the opposite party no. 5.

This Court having gone through the impugned F.I.R. finds that cognizable offence is made out, therefore, there is no ground to show interference.

The writ petition is, accordingly, **dismissed**.

Order Date :- 19.12.2023

Anuj Singh