

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9646 of 2023

Petitioner :- Gopal Singh And Others

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Home, U.P. Lucknow And Others

Counsel for Petitioner :- Santosh Kumar Misra

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

1. Heard Sri Jyotindra Mishra, learned Senior Advocate, assisted by Sri Santosh Kumar Misra, learned counsel for the petitioners and learned A.G.A. for the State.

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

"Issue a writ, order or direction in the nature of Certiorari quashing the impugned First Information Report dated 07/12/2023 bearing Case Crime no.0211/2023 under Section 302, 272 of I.P.C. lodged by the opposite party no.5 against the petitioners, contained as Annexure No.1 to the Present Petition."

3. It has been submitted by learned counsel for the petitioners that petitioner no.1 has been granted country made liquor shop license on 31.03.2018 by the District Magistrate, Unnao, for a period of one year and he started operating the shop. The license of the shop has been renewed from time to time and the same is valid upto the year 2024. The petitioner no.2 is the Manager of the said liquor shop and the petitioner no.3 is an employee of the liquor shop.

4. As per the impugned F.I.R., the father of the informant, her uncle Jaikaran and Hulasi, bought the country made liquor from the shop at Sohramau, Unnao on 05.12.2023. After coming home, they consumed the said country made liquor and started vomiting and also complained of anxiety. On 07.12.2023, the father of the informant died at around 07:00 am in the morning, whereas Hulasi died at about 05:00 am or 06:00 am in the morning on 07.12.2023. The uncle of the informant, namely, Jaikaran, who was seriously ill

was taken to hospital, who is under treatment.

5. It has been alleged in the F.I.R. that due to deliberate selling of spurious liquor, the death of the father and other relatives of the informant had taken place.

6. It has also been submitted by learned counsel for the petitioners that petitioners have been falsely implicated as just when the news of such sickness of the deceased became known, a raid was conducted on 08.12.2023 of the shop and everything was found in order by the Licensing Authority. All the stock was found in order. However, on the basis of said raid conducted, the District Magistrate has issued a show-cause notice to the petitioners on 11.12.2023, a copy of which has been filed as annexure-4 to the petition.

7. It has been submitted by learned counsel for the petitioners that petitioners have been falsely implicated without any evidence of such country made liquor, if any, bought from the shop belonging to the petitioner no.1, which is running at Sohramau, Unnao.

8. This Court has perused the show-cause notice dated 11.12.2023 and also annexure-5 to the writ petition, which is a recovery memo prepared by Head Constable Hriday Narain and Lady Constable Neetu Kumar along with others, who had raided one of the premises.

9. After having examined the submissions advanced by learned counsel for the parties and perused the impugned F.I.R., we are of the opinion that, *prima facie*, the impugned F.I.R. discloses cognizable offence to have been committed by the petitioners, hence, no interference is called for by this Court in its extraordinary power under Article 226 of the Constitution of India for quashing of the F.I.R. or for grant of any interim relief to the petitioners and accordingly, the present writ petition is ***dismissed***.

Order Date :- 20.12.2023
Rahul