Court No. - 1

Case :- CRIMINAL MISC. WRIT PETITION No. - 9371 of 2020

Petitioner :- Nasir Khan
Respondent :- State Of U.P. And 3 Others
Counsel for Petitioner :- Rakesh Kumar Mishra
Counsel for Respondent :- G.A.

Hon'ble Ramesh Sinha,J.
Hon'ble Samit Gopal,J.

Learned counsel for the petitioner states that he could not file the certified copy of the impugned F.I.R. and prays for exemption. The exemption application is allowed.

Heard Sri R.K.Mishra, learned counsel for the petitioner, Ms. Archana Singh, learned A.G.A. for the State and perused the impugned F.I.R. as well as material brought on record.

This writ petition has been filed by the petitioners with a prayer to quash the impugned F.I.R. dated 3.8.2020, registered as Case Crime No.321 of 2020, under Section 3/7 of Essential Commodities Act, Police Station Bhawanpur, District Meerut.

It has been contended by the learned counsel for the petitioner the petitioner is innocent and has been falsely implicated in the present case due to suspicion. He further submitted that the petitioner works as a transporter in the name and style of "Haryana-Rajasthan Road Lines, situate near Sharab Factory Gate, Judges Road, Rampur and runs the aforesaid transport. He further submitted that the petitioner is neither the purchaser of the essential commodities which were being loaded in his vehicle nor the owner of the vehicle and the work of the petitioner is only to book the vehicle. He next argued that the fair price shop dealer and driver of the vehicle have already been arrested by the police and sent to jail. The petitioner has no criminal antecedents, the said fact has been mentioned in paragraph no.16 of the writ petition. No offence is made out against the petitioner, hence, F.I.R. is liable to be quashed.

Learned A.G.A. opposed the prayer for quashing of the F.I.R.

Considering the submissions advanced by learned counsel for the parties and nature of the allegations, it is directed that the petitioner, namely,

Nasir Khan shall not be arrested in the above mentioned case, till the submission of the police report under section 173(2) Cr.P.C., if any before the competent Court, but shall co-operate with the investigation of the case.

With the above direction, this petition is finally disposed of.

The party shall file computer generated copy of order downloaded from the official website of High Court Allahabad, self attested by it alongwith a self attested identity proof of the said person (s) (preferably Aadhar Card) mentioning the mobile number (s) to which the said Aadhar Card is linked, before the oncerned Court/Authority/Official.

The concerned Court/Authority/Official shall verify the authenticity of the computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

(Samit Gopal, J.) (Ramesh Sinha, J.)

Order Date :- 21.10.2020
NS