Court No. - 1

Case :- CRIMINAL MISC. WRIT PETITION No. - 11741 of 2020

Petitioner :- Haseen Ahmad
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Imtiyaj Ali,Murtuza Ali
Counsel for Respondent :- G.A.

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

Heard Sri Murtaza Ali, learned counsel for the petitioner, Ms. Meena Kumari, learned A.G.A. for the State and perused the impugned F.I.R. as well as material brought on record.

This petition has been filed by the petitioner, namely, Haseen Ahmad with a prayer to quash the F.I.R. dated 27.12.2001 registered as case crime no. 563 of 2001 under sections 420, 467, 468 I.P.C., 11 Molasses Control Act, 1964 and Section 13(1)D read with Section 13(2) Prevention of Corruption Act, 1988, Police Station Colonelganj, District Allahabad (now Prayagraj).

Learned counsel for the petitioner submits that the impugned F.I.R has been lodged in the year 2001 and till date no report under section 173(2) Cr.P.C has been submitted. It has further been submitted that at the relevant point of time, the petitioner was running a unit in the name of M/s Seema Pashu Aahar but with laps of time due to heavy loss in business the petitioner has decided to close the same. It has further been submitted that in the First Information Report the name of petitioner's unit M/s Seema Pashu Aahar has been shown at serial No. 9 but the petitioner was not named in the First Information Report. The matter pertains to the allotment of molasses for the year 1996-97 and thereafter the petitioner closed his unit due to heavy loss in business. The departmental inquiry was also initiated in the matter. The petitioner submitted his explanation. No offence is made out against the petitioner and the petitioner has not committed any offence. It has further been submitted that the employees of excise department were also made accused in this case, who were responsible for distributing the molasses, out of which, some officers namely, Babu Lal Verma and Ram Raj Yadav have been granted interim relief by this Court vide orders passed in Criminal Mic. Writ Petition Nos. 5771 of 2020 and 7502 of 2020 (Annexure-7 and 8 of the writ petition), therefore, the petitioner is also entitled for the same relief.

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, Haseen Ahmad shall not be arrested in above mentioned case for a period of two months or till the submission of the police report under section 173(2) Cr.P.C., if any, before the competent court whichever is earlier but he 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.

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.

Order Date :- 4.11.2020

SA

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