Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 14758 of 2020

Petitioner :- Babita Baliyan And 4 Others
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Sushil Kumar Pandey
Counsel for Respondent :- G.A.

Hon'ble Pankaj Naqvi,J.
Hon'ble Vivek Agarwal,J.

Heard Sri Sushil Kumar Pandey, learned counsel for the petitioners and the learned A.G.A.

This writ petition has been filed, seeking a writ of mandamus, directing the respondent concerned, not to arrest the petitioners, with a further prayer for quashing the impugned FIR dated 12.06.2020 in Case Crime No. 233 of 2020, under Sections 406 IPC, Police Station-Shamli, District- Shamli.

Learned counsel for the petitioners submits that FIR has been lodged on false / vexatious / mischievous allegations, no offences are made out, FIR be quashed.

Learned AGA has opposed the submission.

The correctness of the allegations would have to be tested on the basis of the materials collected during the course of investigation as by insertion of notification No.1058/79-V-1-19-1 (Ka)-20-2018 dated 6th June 2019, an alternate remedy is available to the petitioners to seek for an anticipatory bail/bail as they may be advised.

The writ petition is **dismissed**.

It is made clear that we have not adjudicated the contentions raised which are left open for the petitioners to raise at an appropriate stage in an appropriate proceeding, in accordance with law.

The party shall file a computer generated copy of this order downloaded from the official website of High Court Allahabad, self attested by the petitioner alongwith a self attested identity proof of the said person (s) (preferably Aadhar Card).

The concerned Court/Authority/Official shall verify the authenticity of such 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 :- 15.12.2020
Vikram/-