Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 14501 of 2020

Petitioner :- Shri Prakash Mishra
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Pawankumar Dubey,Saurabh Kumar Pandey
Counsel for Respondent :- G.A.

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

Heard Sri Saurabh Kumar Pandey, learned counsel for the petitioner 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 petitioner, with a further prayer for quashing the impugned FIR dated 11.11.2020 in Case Crime No. 238 of 2020, under Sections 186 I.P.C. and 3(1) Prevention of Damages of Public Property Act, Police Station-Maharajganj, District- Azamgarh.

Learned counsel for the petitioner 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 petitioner to seek for an anticipatory bail/bail, as the case may be.

The writ petition is dismissed.

It is made clear that we have not adjudicated the contentions

raised which are left open for the petitioner 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 :- 14.12.2020
A.N. Mishra

Digitally signed by Justice Pankaj Naqvi
Date: 2020.12.18 13:03:27 IST
Reason: Document Owner
Location: High Court of Judicature at Allahabad

Digitally signed by Justice Vivek Agarwal
Date: 2020.12.18 13:07:20 IST
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Location: High Court of Judicature at Allahabad