

Court No. - 1

Case :- CRIMINAL MISC. WRIT PETITION No. - 5614 of 2020

Petitioner :- Amit Yadav And Another

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Arpit Agarwal

Counsel for Respondent :- G.A.

Hon'ble Ramesh Sinha,J.

Hon'ble Mahesh Chandra Tripathi,J.

Heard Sri Sharad Dixit, Advocate holding brief of Shri Arpit Agarwal, learned counsel for the petitioners, Sri Amrit Raj Chaurasia, 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 with the prayer to quash the F.I.R. dated 19.11.2019 registered as Case Crime No.1287/2019 under Sections 419, 420, 467, 468, 471, 120-B IPC, Police Station Noida Sector-49, District Gautambudh Nagar.

Learned counsel for the petitioners submits that the petitioners and their family members have serious apprehension of their lives due to threats of murderers, who have killed two maternal uncles of petitioners. Later on these murderers further killed the maternal aunty of petitioners in the year 2011. The petitioner no.1 was the eye witness of the murder. The petitioners are doing pairvi of both these cases. In pursuance of the order passed by this Court dated 16.7.2007 in Writ Petition No.16107/2007 a gunner was provided to petitioner no.1 on 01.3.2008 by the Government of U.P. for six months after obtaining reports from the District Security Level Committee of Ghaziabad. The security of gunner of petitioner was withdrawn on 1.9.2008 by local administration due to pressure by the accused persons. From the perusal of the FIR, no offence is made out against the petitioners. The present FIR has been lodged by respondent no.6 S.H.O. at the instance of Smt. Priyanka Yadav for obtaining the security by forged and fabricated documents from this Court.

Learned A.G.A. has opposed the prayer for quashing of the FIR which discloses cognizable offence.

Considering the submissions advanced by learned counsel for the parties and nature of the allegations, it is directed that both the petitioners namely Amit Yadav and Arun Yadav 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 such order downloaded from the official website of High Court Allahabad, self attested by the petitioners alongwith a self attested identity proof of the said person (preferably Aadhar Card) mentioning the mobile number to which the said Aadhar Card is linked.

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 :- 17.6.2020

RKP