

Court No. - 9

WWW.LIVELAW.IN

Case :- MISC. BENCH No. - 20830 of 2021

Petitioner :- Lateef Ahmad & Anr.

Respondent :- State Of U.P.Thru.Prin.Secy.Home,Lucknow & Ors.

Counsel for Petitioner :- Abdul Shadab Khan,Amjad Siddiqui

Counsel for Respondent :- G.A.

Hon'ble Ramesh Sinha,J.

Hon'ble Mrs. Saroj Yadav,J.

Heard Shri Abdul Shadab Khan, learned counsel for the petitioners and Shri Arunendra, learned AGA for the State-respondents.

The present writ petition has been filed by the petitioners, seeking quashing of the impugned F.I.R. dated 23006.2021 lodged as FIR No.0306 of 2021 under Sections 3/5/8 of the U.P. Prevention of Cow Slaughter Act, 1955 at police station Biswan, District Sitapur with a further prayer to stay the arrest of the petitioners.

Learned counsel for the petitioners argued that impugned FIR was lodged by respondent no.4 against one unknown person and neither the petitioner is concerned with the aforesaid incident nor he was arrested on spot. The name of the petitioners and six others has come into light only on the basis of confessional statement of one arrested co-accused, Sandesh @ Sabir for commission of offence. He further stated that the petitioners were not even present at the date and time of the incident as they all being labourers/carpenters reside in Rajasthan, copy of their attendance card is annexed as Annexure no.3 to the writ petition. He also submitted that offence under Section 5 of the U.P. Prevention of Cow Slaughter Act, 1955 is not maintainable, thus, the present impugned FIR which is lodged by respondent no.4 against the petitioners just for harassment and with oblique motive, is liable to be quashed.

Learned AGA opposed the prayer for quashing of the First

Information Report and submitted that cognizable offence is made out against the petitioners in the impugned FIR and the involvement of the petitioners in the crime cannot be ruled out as on the site of the incident cattle bones were recovered, therefore, the present writ petition is liable to be dismissed.

After having examined the submissions advanced by learned counsel for the parties and perused the impugned FIR, we are of the opinion that the impugned FIR discloses cognizable offence against the petitioners and that the petitioner is involved in the cow slaughter as is evident from the cattle bones which were found from the place of occurrence, hence, no interference is called for by this Court in its extraordinary power under Article 226 of the Constitution of India for quashing of the FIR or for grant of any interim relief to the petitioner and accordingly, the present writ petition is **dismissed**.

(Saroj Yadav, J.)(Ramesh Sinha, J.)

Order Date :- 17.9.2021

Arnima