

**Court No. - 9**

**WWW.LIVELAW.IN**

**Case :- MISC. BENCH No. - 11179 of 2021**

**Petitioner :- Mushtaq Ali & Ors.**

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

**Counsel for Petitioner :- Aftab Ahmad**

**Counsel for Respondent :- G.A.**

**Hon'ble Attau Rahman Masoodi,J.**

**Hon'ble Ajai Kumar Srivastava-I,J.**

Heard learned counsel for the petitioners and learned A.G.A. for the State through Video Conferencing.

By means of this petition, the petitioners have assailed the F.I.R. registered as case crime no. 189 of 2021, under Sections 419, 420, 467, 468, 471 I.P.C., police station Ram Sanehi, district Barabanki.

It is submitted that the F.I.R. lodged against the petitioners does not specifically mention of any public document, which has either been forged or manipulated by the petitioners in any manner. The very contents of the F.I.R. are thus false and unfounded. It is also submitted that the alleged mosque was a wakf by user and was registered as a waqf property. It is also submitted that the rights were protected under a judicial order passed by this Court.

Learned A.G.A. opposing the maintainability of the writ petition has not been able to clarify as to what documents specifically were forged by the petitioners, however it is submitted that the investigation is still pending. It is also submitted that for lack of instructions a clear position cannot be brought to the notice of this Court. Thus, time is prayed for filing a counter affidavit.

Time prayed for is granted.

Let a counter affidavit be filed within three weeks. Rejoinder affidavit, if any, may be filed within a week thereafter.

List after expiry of the aforesaid period.

In the meantime, it is provided that until a police report under Section 173(2) Cr.P.C. is filed, the petitioners shall not be subjected to any coercive measures. It is made clear that the petitioners shall co-operate with the investigation and shall not evade their presence as and when called for.

**Order Date :- 28.5.2021**

kanhaiya