

Court No. - 1

Case :- CRIMINAL MISC. WRIT PETITION No. - 3335 of 2022

Petitioner :- Kartik Pandey

Respondent :- State Of U.P Thru. Prin. Secy. Home And Others

Counsel for Petitioner :- Ravi Mishra, Ankur Chauhan, Ashutosh Mishra, Chaitanya Shikhar Sharma

Counsel for Respondent :- G.A.

Hon'ble Ramesh Sinha, J.

Hon'ble Mrs. Saroj Yadav, J.

Heard Sri Chaitanya Shikhar Sharma, learned counsel for the petitioner and Shri Badrul Hasan, learned AGA for the State and perused the impugned F.I.R. as well as material brought on record.

This writ petition has been filed by the petitioner praying for the following reliefs:-

"i). Issue a writ, order or direction in the nature of certiorari quashing the impugned F.I.R dated 18.5.2022 lodged by respondent no.2/Professor, against the petitioner in FIR No.0115 of 2022, under Sections 323, 352, 504, 506 I.P.C. and Section 3(1) (r), 3(1) (s) of SC & ST Act, Police Station Hasanganj, District Lucknow.

ii). Issue a writ, order or direction in the nature of mandamus directing opposite parties to restrain from arresting the petitioner."

Learned counsel for the petitioner argued that the petitioner is a student of Post Graduation as has been mentioned in paragraph of the writ petition and he has a great regard for the private respondent no.2 who is an Assistant Professor in the University. It is further submitted that the petitioner has no criminal history as is evident from paragraph 5 of the writ petition. It is further submitted that an F.I.R. was also lodged against the private respondent no.2 Professor Ravi Kant registered as Case Crime No.110/2022, under Sections 154A, 504, 505(2) I.P.C. and Section 66 of the Information Technology Act, Police Station Hasanganj, District Lucknow for making some provocative statements with respect to the religious places. He further submitted that impugned F.I.R. has been lodged by the opposite party no.2 against the petitioner just for

harassment of the petitioner with oblique motive, hence the present FIR is liable to be quashed.

The matter requires consideration.

Learned A.G.A. has accepted notice on behalf of the opposite party nos. 1, 3 and 4.

Issue notice to respondent no.2 returnable at an early date. Steps be taken within a week.

Each of the respondents is granted four weeks time to file counter affidavits.

Rejoinder affidavit, if any, may also be filed within two weeks thereafter.

List after six weeks.

Till the next date of listing or till the submission of police report under Section 173(2) Cr.P.C. whichever is earlier, the arrest of the petitioner- Kartik Pandey pursuant to the impugned F.I.R No.0115 of 2022, under Sections 323, 352, 504, 506 I.P.C. and Section 3(1) (r), 3(1) (s) of SC & ST Act, Police Station Hasanganj, District Lucknow, shall remain stayed of course subject to the restraint that the petitioner shall fully cooperate with the investigation and shall appear as and when called upon to assist in the investigation.

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

Order Date :- 30.5.2022/Shukla