

**Court No. - 45**

[WWW.LIVELAW.IN](http://WWW.LIVELAW.IN)

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 1665 of 2021

**Petitioner :-** Karan Anshuman And 3 Others

**Respondent :-** State Of U.P. And 2 Others

**Counsel for Petitioner :-** Syed Imran Ibrahim

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

**Hon'ble Pritinker Diwaker,J.**

**Hon'ble Deepak Verma,J.**

Sri Manish Tiwari, Senior counsel assisted by Sri Syed Imran Ibrahim, Sri Jay Kumar Bhardwaj and Ms. Priyadarshini Arora, learned counsels for the petitioners and Sri J.K. Upadhyay, learned A.G.A. for the State.

This writ petition has been filed by the petitioners seeking quashment of F.I.R. dated 17.01.2021 in respect of Crime No.0016 of 2021 for the offence under Section 295-A, 504, 505, 34 of IPC & Section 67-A of Information Technology Act, Police Station Kotwali Dehat, District Mirzapur.

Issue notice to respondent no. 3.

Steps by 22.02.2021. Failure in taking steps shall lead to automatic vacation of this order.

Heard on stay application.

Learned counsel for the petitioners submits that two co-accused persons, namely, Ritesh Sidhwani and Farhan Akhtar have filed Crl. Misc.Writ Petition No.851 of 2021 before this Court and while entertaining their petition, interim order has also been passed in their favour on 29.01.2021. It has been argued that petitioner no.1 was the director and writer of the first season of the web series, Mirzapur, petitioner no. 2 was the director of the first and second season of web series, Mirzapur, petitioner no. 3 was the writer of the second season of web series, Mirzapur and petitioner no. 4 was the writer of the first season of the said web series, Mirzapur.

It has been further argued that petitioners have not been named in the F.I.R. and they are on better footing as compared to named accused persons in the F.I.R. Learned counsel submits that even if the entire prosecution case is taken as it is, offence under Section 295-A, 504, 505,34 of I.P.C. and Section 67-A of Information Technology Act, is not made out.

On the other hand, State Counsel though opposes the writ petition, however, he is not in a position to dispute the fact that in the case of co-accused, interim protection has been granted.

Link this matter with Crl. Misc.Writ Petition No.851 of 2021.

Having regard to the facts of the case and the submissions made, till the next date of listing or till submission of police report under Section 173(2) CrPC, whichever is earlier, no coercive action shall be taken against the petitioners in pursuance of the FIR registered as Case Crime No. 0016 of 2021, under Section 295-A, 504, 505, 34 IPC & Section 67-A of Information Technology Act, Police Station Kotwali Dehat, District Mirzapur.

It is made clear that the investigation shall go on and the petitioners shall cooperate in the investigation and non cooperation on the part of the petitioners may give reasons to the State to file application seeking vacation of the interim order.

The party shall file computer generated copy of this order downloaded from the official website of the High Court, Allahabad, self attested by the petitioner(s) along with a self attested identity proof of the said person(s) (preferably Aadhar Card) mentioning the mobile number(s) 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 made a declaration of such verification in writing.

**Order Date :-** 18.2.2021

Meenu/S.K.