

Court No. - 9

WWW.LIVELAW.IN

Case :- MISC. BENCH No. - 28984 of 2021

Petitioner :- Mohd.Aslam

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

Counsel for Petitioner :- Abhishek Singh,Dharmendra Pratap Singh

Counsel for Respondent :- G.A.

Hon'ble Devendra Kumar Upadhyaya,J.

Hon'ble Mrs. Saroj Yadav,J.

Notice on behalf of respondent nos. 1,2 and 3 has been accepted by the office of learned Government Advocate.

Issue notice to the respondent no.4, returnable at an early date.

Respondents to file their counter affidavit within four weeks. Two weeks' time thereafter shall be available to the learned counsel for the petitioner to file rejoinder affidavit.

List this case after expiry of the aforesaid period.

Under challenge in this petition is the First Information Report dated 24.11.2021 lodged at Case Crime No. 441 of 2021, under Sections 353, 447,34, 504 IPC and under Section 2/3 of Prevention of Damage to Public Property Act, Police Station Ramnagar, District Barabanki.

Submission of learned counsel for the petitioner is that the impugned FIR has been lodged with false allegation and as a matter of fact the land on which the petitioner has cremated the dead body of his mother is a muslim graveyard and is recorded in the revenue record as a Waqf property.

Having regard to the overall facts and circumstances of the case, we hereby provide that the petitioner shall not be arrested in connection with aforesaid case crime number till the next date of listing.

The petitioner shall, however, cooperate with the investigation.

Order Date :- 10.12.2021

Renu/-