

Court No. - 1

Case :- CRIMINAL MISC. WRIT PETITION No. - 8632 of 2020

Petitioner :- Dr. Imrana Khan

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

Counsel for Petitioner :- Sadaful Islam Jafri, Khalid Mahmood, Nazrul Islam Jafri (Senior Adv.)

Counsel for Respondent :- G.A.

Hon'ble Ramesh Sinha, J.

Hon'ble Samit Gopal, J.

Supplementary affidavit filed by learned counsel for the petitioner today in Court, is taken on record.

Learned counsel for the petitioner states that he could not file the certified copy of the impugned F.I.R. and prays for exemption. The exemption application is allowed.

Heard Sri N.I. Jafri, learned Senior Advocate, assisted by Sri Khalid Mahmood, learned counsel for the petitioners, Km. Meena, learned A.G.A. appearing for the State and perused the impugned F.I.R. as well as material brought on record.

The relief sought in this petition is for quashing of the F.I.R. dated 2.7.2020, registered as Case Crime No.234 of 2020, under Section 67 of the Information Technology (Amendment) Act, 2008, Section 153-A, 153-B and 124-A I.P.C., Police Station Sadar Bazar, District Meerut.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case with malafide intention. He further submitted that the petitioner was appointed as Unani Medical Officer at Inchauli, District Meerut on 31.7.2008 and at present she is posted at Police Lines, District Meerut since July, 2019. He next argued that the petitioner shared posts against the activities of the Government on her facebook which is said to be an Anti-National activity and she is also alleged in making posts on facebook against the Prime Minister Shri Narendra Modi and Chief Minister Yogi Adityanath from 2014 to 2017 but she did not share posts after 2017, while the F.I.R. has been lodged in the year 2020. The petitioner had simply shared the facebook posts on somebody else's post which does not at all amount to spreading disharmony or feeling of enmity, hatred or ill will between different religions and is not prejudicial to National Integration and therefore, no offence is disclosed against the petitioner. It is further argued that

whatever the petitioner has stated in her posts is her right to freedom of speech. The allegation levelled against the petitioner is absolutely false, frivolous and baseless. No offence is made out against the petitioner, hence, FIR is liable to be quashed.

Learned A.G.A. opposed the prayer for quashing of the F.I.R. which discloses cognizable offence.

After having examined the submissions advanced by learned counsel for the parties and perused the impugned FIR, we are of the opinion that the material which has been posted by the petitioner appears to be a serious one which may incite communal disharmony, the freedom of speech cannot be extended to such extent which may be prejudicial to the National interest and the impugned FIR discloses cognizable offence against the petitioner, 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.

The petition lacks merit and is, accordingly, **dismissed**.

The party shall file computer generated copy of order downloaded from the official website of High Court Allahabad, self attested by it alongwith 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, before the concerned Court/Authority/Official.

The concerned Court/Authority/Official shall verify the authenticity of the computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

(Samit Gopal, J.) (Ramesh Sinha, J.)

Order Date :- 3.9.2020

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