

Case :- CRIMINAL MISC. WRIT PETITION No. - 11431 of 2020

Petitioner :- Minajhuddin Siddqi And 4 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Abhishek Yadav

Counsel for Respondent :- G.A.

Hon'ble Manoj Misra,J.

Hon'ble Sanjay Kumar Pachori,J.

Heard learned counsel for the petitioners; learned AGA for the respondent nos. 1, 2 & 3; and perused the record.

The instant petition seeks quashing of the First Information Report dated 14.8.2020 registered as Case Crime No.0327 of 2020, under Sections, 354, 323, 504, 506, 34 I.P.C., and Section 8, 12, 21 Protection of Children from Sexual Offences Act, 2012, P.S. Budhana, District Muzaffarnagar.

The allegations made in the impugned first information report are essentially in two parts. The first part is specific in respect of the role of petitioner no. 1 (Minajhuddin Siddiqui) and that relates to child abuse. The second part of the first information report is in respect of the entire family of the petitioner no. 1 ganging against the informant. From the allegations, it also appears that respondent no. 4 has taken a decision to take divorce from the petitioner no. 5.

The contention of the learned counsel for the petitioners is that the allegations are absolutely false and that the impugned first information report has been lodged just to extract a favourable settlement from the petitioner no. 5, who is a film actor.

Learned AGA has opposed the prayer for quashing of the first information report by stating that specific allegations of child abuse are against the petitioner no. 1 and there are various other allegations also, therefore, the matter would have to be investigated.

Be that as it may, as the allegations would require investigation, the prayer of the petitioner to quash the first information report cannot be accepted, at this stage.

However, considering that specific allegation of child abuse is against the petitioner no. 1 only and the rest of the petitioners have been implicated by levelling general allegation, we deem it appropriate to dispose off this writ petition by providing that

in so far as the petitioner no. 2 (Faiyajuddin Siddiqi); petitioner no. 3 (Ayajuddin Siddiqi); petitioner no. 4 (Smt. Mehrunisha Siddiqi); and petitioner no. 5 (Nawajuddin Siddiqi) are concerned, the investigation shall continue and brought to its logical conclusion but they shall not be arrested in the above case till submission of police report under Section 173 (2) CrPC, provided they co-operate in the investigation. The petition of petitioner no. 1 (Minajhuddin Siddiqi) is dismissed without prejudice to his right to apply for bail/ anticipatory bail, as may be advised.

Order Date :- 22.10.2020

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