

Court No. - 52

Case :- CRIMINAL MISC. WRIT PETITION No. - 12148 of 2020

Petitioner :- Ahmad Ali And Another

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

Counsel for Petitioner :- Syed Ahmad Naseem

Counsel for Respondent :- G.A.

Hon'ble Bachchoo Lal,J.

Hon'ble Subhash Chandra Sharma,J.

Heard learned counsel for the petitioners, learned A.G.A. for the State-respondents and perused the record.

This writ petition has been filed by the petitioners for quashing of the F.I.R. dated 06.03.2020 registered as Case Crime No.86/2020, under Sections 124-A & 153-B, Police Station Kareili, District Prayagraj, with a further prayer not to arrest the petitioners in pursuance of the aforesaid first information report.

The allegations levelled in the F.I.R. are that the petitioners have participated in a protest against C.A.A., N.R.C and N.P.R. The submission of learned counsel for the petitioners is that the petitioners are not named in first information report. The name of the petitioner no.2- Shubaibur came into light in the second statement of the informant- Shri Santosh Kumar Dubey, S.H.O., Police Station Kareily, thereafter arrested co-accused Fazal Khan disclosed the name of petitioners. There is no cogent evidence on record to connect the petitioners with the alleged offence. Neither the petitioners have committed the alleged offence nor they were involved in the alleged incident. Only for the purpose of harassment the petitioners have been falsely implicated in the present case. No offence is made out against petitioners, therefore, impugned F.I.R. is liable to be quashed.

Per contra, learned A.G.A. opposed the prayer for quashing of the F.I.R. and argued that from the allegations made in the first information report, prima facie, a cognizable offence is made out against petitioners, therefore, impugned F.I.R. is not liable to be quashed.

Considering the facts and circumstances of the case, we do not find any ground to quash the impugned first information report. Hence, prayer for quashing the same is, hereby, refused. However, in the peculiar facts and circumstances of the case and submissions advanced by learned counsel for the parties, we **dispose of** this writ petition with the direction that the petitioners shall not be arrested in the aforementioned case till the submission of police report under Section 173(2) Cr.P.C. provided that petitioners shall participate and co-operate with the investigation.

Order Date :- 9.11.2020

Ashok Gupta