

Court No. - 21

Case :- CRIMINAL MISC. WRIT PETITION No. - 26974 of 2017

Petitioner :- Vinay Kumar @ Vinay Ratan Singh

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

Counsel for Petitioner :- Smriti, Kamal Krishna Roy, Syed Farman Ahmad Naqvi

Counsel for Respondent :- G.A.

Hon'ble Krishna Murari, J.

Hon'ble Akhilesh Chandra Sharma, J.

We have heard Shri Syed Farman Ahmad Naqvi, advocate assisted by Shri Ali Qambar Zaidi, learned counsel for the petitioner and learned A.G.A.

This writ petition under Article 226 of the Constitution of India has been filed by the petitioner for quashing the impugned First Information Report registered as Case Crime No. 152 of 2017, under Sections 147, 148, 149, 307, 332, 353, 336, 435, 436, 323 & 427 I.P.C. and under Section 7 of the Criminal Law Amendment Act 1932 and Section 3 & 4 of Prevention of Damages to Public Property Act, 1984, Police Station Kotwali Dehat, District Saharanpur, so far as it relates to the petitioner and also for direction to the opposite parties not to arrest him in pursuance of the impugned F.I.R.

It is contended that petitioner was neither named in the First Information Report nor was actually present at the spot of the incident but somehow he has been shown as wanted in the report submitted by the police. Learned counsel for the petitioner further submits that on an information sought by the father of the petitioner under Right to Information Act, a reply was given that he is not wanted in any case still the police is unnecessarily harassing and trying to arrest the petitioner only on the basis of the wanted report.

Learned A.G.A. opposed the petition.

We have gone through the allegations contained in the impugned F.I.R., which, prima facie, discloses commission of cognizable offence, as such, we are not inclined to interfere in the F.I.R.

However, in view of the facts and the allegations made in the F.I.R., writ petition stands finally disposed of with the direction that the petitioner shall not be arrested in the aforesaid case crime number till cogent and credible evidence is collected showing the complicity of the petitioner in the instant case.

Order Date :- 5.12.2017

shiv