

Court No. - 1

Case :- CRIMINAL MISC. WRIT PETITION No. - 27628 of 2017

Petitioner :- Mrs. Johra Bibi And Anr.

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

Counsel for Petitioner :- Kamal Krishna Roy, Smriti

Counsel for Respondent :- G.A.

Hon'ble Govind Mathur, J.

Hon'ble Ashok Kumar, J.

Heard Sri Ali Qambar Zaidi, learned counsel for the petitioners and learned AGA for the State.

This petition for writ is before us for quashing of the FIR bearing no.0603 pending investigation at P.S. Noida Sector 49. Under the FIR aforesaid at the instance of the complainant the investigation has been initiated for the offences punishable under Sections 147, 148, 323, 452, 336, 427 IPC.

It is stated by the learned counsel appearing on behalf of the petitioners that from perusal of the facts averred in the first information report there is no iota of assertion about availability of even a single ingredient to have any kind of investigation pertaining to offence under Section 307 IPC. The remaining offences had admittedly Magistrate triable. It is asserted that the offence under Section 307 has been added by the investigating agency only to victimise the petitioners.

Having considered all the facts of the case, we deem it appropriate to direct the investigating officer to enlarge the petitioners on bail in the event of their arrest in relation to investigation under the FIR in Case Crime No. 606 of 2017, under Sections 147, 148, 323, 452, 336, 427 IPC, P.S. Noida Sector 49, District Gautam Budhnagar, NOIDA. The petitioners, however shall cooperate the investigating agency and they shall report to the investigating officer as and when called. The investigating officer while calling the petitioners for the purpose of investigation shall give a notice in writing and that should be in three days advance.

With the above observations, the writ petition is disposed of.

Order Date :- 21.12.2017

S.S.

(Ashok Kumar, J.)

(Govind Mathur, J.)