



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 482 No. - 5788 of 2023

Siddharth Varadarajan And Other

.....Applicant(s)

Versus

State Of U.P Thru. Addl. Chief Secy. Prin. Secy.
Home Deptt. Lko. And Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Veena Vijayan Rajes, Areeb Uddin Ahmed, Avinash Singh Vishen, Harsh Vardhan Kediya, Ishan Baghel, Sheeran Mohiuddin Alavi, Waseeq Uddin Ahmed

Counsel for Opposite Party(s) : G.A., Hari Om Singh

Court No. - 12

HON'BLE PANKAJ BHATIA, J.

1. Heard the counsel for the applicants and the learned AGA.
2. The present application has been filed seeking to quash the impugned Cognizance and Summoning Order dated 24.02.2023, passed by Learned Civil Judge (Junior Division), Barabanki in FIR No.231/2021, dated 24.06.2021, under sections 153, 153-A, 505(1)(b), 120-B, 34 of Indian Penal Code, 1860, lodged at Police Station- Ram Sanehi Ghat, District- Barabanki and to quash the impugned chargesheet dated 24.05.2022 filed in FIR No. 231/2021, dated 24.06.2021, under sections 153, 153-A, 505(1)(b), 120-B, 34 of Indian Penal Code, 1860 at Police Station- Ram Sanehi Ghat, District- Barabanki and the entire proceedings emanating therefrom.
3. The submission of the counsel for the applicant is that the applicant no.1 is the Managing Director of 'The Wire' a leading online news portal; the applicant no.2 is the Cameraman; and the applicant no.2 is the anchor, who produces shows which are published under the banner of 'The Wire'.
4. The neat submission of the counsel for the applicant is that even reading the FIR and the allegations contained in as gospel truth, no offence can be said to be made out under section 153-A of the IPC. It is further argued that no sanction was obtained which is a *sine qua non*

reading section 153-A with section 196 of the Cr.P.C.

5. This court had entertained the application vide order dated 11.07.2023 and has issued notices to the opposite party no.2. The State as well as the opposite party no.2 were directed to file their counter affidavit.

6. Despite more than two and a half years have passed, the State has not filed any counter affidavit.

7. When the matter was taken up today, the counsel for the State Sri Ran Vijay Singh states that on account of some meeting, the proper instructions could not be issued and the counter affidavit could not be filed. He prays for further time to file the counter affidavit.

8. Considering the submissions made at the bar and on perusal of the FIR, prima-facie the FIR would not attract the prosecution under section 153-A of IPC; there is no material to deny the submissions that there is no sanction; there is no material even in the said FIR with regard to the personal complicity, prosecution for the offence. The summoning order also does not disclose any application of mind based upon the analysis of the charge-sheet, which was directed by this court in its order dated 09.07.2021 passed in the case Misc Bench No.13812 of 2021.

9. For all the reasons recorded above, three weeks and no more time is granted to the State to file the counter affidavit.

10. List this case on 31.03.2026.

11. Till the next date of listing, further proceedings arising out of FIR No.231/2021, dated 24.06.2021, under sections 153, 153-A, 505(1)(b), 120-B, 34 of Indian Penal Code, 1860, lodged at Police Station- Ram Sanehi Ghat, District- Barabanki shall remain stayed.

12. It is made clear that in case the counter affidavit is not filed by the next date, the matter shall be decided without the counter affidavit.

(Pankaj Bhatia,J.)

March 10, 2026/VNP/-