

Court No. - 44

Case :- CRIMINAL MISC. WRIT PETITION No. - 793 of 2022

Petitioner :- Shakil Khan

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

Counsel for Petitioner :- Mohd Shamim Khan, Deepak Singh Patel

Counsel for Respondent :- G.A.

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Ajai Tyagi, J.

This petition has been filed with a prayer to quash the first information report dated 23.10.2021 registered as Case Crime No.208 of 2021 under Sections 295-A, 505(2) IPC & Section 66 Information Technology (Amendment) Act, 2008, Police Station-Rajapur, District-Chitrakoot, on the ground that allegations are absolutely fake and that in fact no such video has been circulated, which may offend the feelings of members of a particular community.

As per the first information report, certain video has been circulated on social-media, which contain statements of certain individuals against a particular religious community, which has generated unrest in the society and the first information report has been registered. Whether or not such viral video contains any offending material is required to be examined by the investigating agencies and we would not be justified in entertaining the challenge to the first information report only on factual issues about video not containing such substance.

Learned AGA, otherwise informs the Court that a charge-sheet has been filed against one Sabbir Khan and the investigation is pending against Shaquil Khan. Another person with similar name (Shaquil) is said to have been exonerated.

From the facts brought on record, we find that *prima facie* a cognizable offence is disclosed in the first information report and in view of the law settled, prayer for its quashment cannot be allowed. The prayer made in that regard in the petition is thus declined.

However, as all the offences alleged in the police report provide for punishment of less than seven years, the police authorities while conducting investigation shall keep in mind the provisions of Section 41-A Cr.P.C.

The writ petition stands disposed of, accordingly.

Order Date :- 8.2.2022

LN Tripathi