

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 2565 of 2023

Petitioner :- Sh. Pawan Khera

Respondent :- State Of U.P. Thru. Prin. Secy. Home And Others

Counsel for Petitioner :- Syed Mohammad Abid, Sheeran Mohiuddin Alavi

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

(1) Heard Sri J. N. Mathur, learned Senior Advocate assisted by Sri Karan Sharma, Sri S. M. Abid, Sri Rohit Kaliyar, Sri Mohit Siwach and Sri Sheeran M. Alvi, learned counsel for the petitioner and Sri Shiv Nath Tilhari, learned A.G.A. for the State Respondents.

(2) This petition has been filed with the following main prayers:-

"(A) Quash FIR No. 0065 of 2023 dated 20.02.2023 under Section 153-A, 500, 504 and 505 (2) of the Indian Penal Code, 1860, Police Station - Hajarat Ganj, District Central Lucknow and entire proceedings including investigation and also transferred FIRs bearing numbers FIR No. 86 of 2023 registered at PS Cantt. Varanasi dated 20.02.2023; FIR No. 19 of 2023 registered as PS Haflong, Dima Hasao, Assam on 22.02.2023 and entire proceedings arising out of it;

(B) Stay the entire proceedings of FIR No. 0065 of 2023 dated 20.02.2023 under Sections 153-A, 500, 504 and 505 (2) of Indian Penal Code, 1860, Police Station- Hazrat Ganj, District- Central Lucknow, and also transferred FIRs bearing FIR No. 86 of 2023 registered at PS Cantt. Varanasi dated 20.02.2023; FIR No. 19 of 2023 registered as PS Haflong, Dima Hasao, Assam on 22.02.2023 otherwise the applicant shall suffer irreparable loss and injury."

(3) Issue notice to the respondents No. 4, 5 and 6 returnable at an early date.

(4) The petitioner shall take steps within one week.

(5) Sri J. N. Mathur, learned Senior Advocate has taken this Court through the bare facts of the case and the Orders passed

by the Supreme Court on 23.02.2023 in Writ Petition (Criminal) Diary No(s). 8222 of 2023 filed under Article 32 of the Constitution before the Supreme Court and the Order dated 20.03.2023 passed by the Supreme Court finally disposing of such Writ Petition with a direction for clubbing of three F.I.R.s registered at Lucknow, Varanasi and Assam treating the F.I.R. registered on 20.02.2023 as the leading case.

(6) Learned Senior Counsel has informed this Court that although in the F.I.R. registered at Assam there was several other Sections that were invoked by the informant, respondent no. 6. The Investigating Officer has issued a notice to the petitioner under Section 41 (A) of the Cr.P.C. under Sections 153-A, 153-B(1)/ 500/504/505(1)(b)/505(2) I.P.C. and directed him to make his statement in pursuance of such notice dated 30.03.2023. The petitioner has also got his statement recorded at Delhi.

(7) It has been argued by the learned counsel for the petitioner that on removal of Sections 295 and 120-B from the purview of investigation it seems that there is no imminent threat of arrest of the petitioner, but still the petitioner prays that the investigation itself be quashed as it is oppressive and not made out from a bare perusal of the allegations in the F.I.R.

(8) This Court having perused the final order passed by the Supreme Court on 20.03.2023 finds that the Court had already given the petitioner interim protection and also the option for applying of regular bail before the jurisdictional Court. Hence there is no need to grant any interim order as of now.

(9) Let counter affidavits be filed by the State Respondents and the private respondents by the next date of listing.

(10) List this case on 04.05.2023.

Order Date :- 6.4.2023

Darpan Sharma