

Court No. - 42

Case :- CRIMINAL MISC. WRIT PETITION No. - 12958 of 2024

Petitioner :- Anshu Gupta And Another

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

Counsel for Petitioner :- Rajesh Kumar Nishad

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard Sri Rajesh Kumar Nishad, learned counsel for the petitioners and Sri Kuldeep Singh Chauhan, learned A.G.A. for the State-respondents.

2. The present writ petition has been preferred with the prayer to quash the impugned first information report dated 06.07.2024 registered as Case Crime No. 23/2024, under Sections- 212, 229, 356 of Bhartiya Nyay Sanhita, 2023 and 66 I.T. Act, Police Station - Fatehganj, District - Banda, and for a direction to the respondents not to arrest the petitioners in pursuance of the impugned first information report.

3. Submission of learned counsel for the petitioners is that petitioners are reporter of Dainik Bharat Connect Newspaper and they have reported theft of diesel from the police jeeps, which was published in the newspaper and it is only thereafter, the police personnel has been lodged the present first information report against the petitioners. Additionally, various documents were annexed with the newspaper to highlight that the theft was captured in video and photographs, which was published in the newspaper. Further submission is that with malafide intention, the present impugned first information report has been lodged, in fact no offence is made out against the petitioners.

4. Matter requires consideration.

5. All the respondents may file counter affidavit within six weeks. The petitioners shall have four weeks time, thereafter, to file rejoinder affidavit.

6. List thereafter.

7. Till the next date of listing or till submission of police report

under Section 173(2) Cr.P.C., the arrest of the petitioners, pursuant to the aforesaid impugned first information report, shall remain stayed, provided they cooperates in the investigation.

8. Learned A.G.A. is directed to send a copy of this order along with the copy of the writ petition to the Director General of Police, Uttar Pradesh for making inquiries at his hand in the allegations levelled in the newspaper and the correctness of the first information report lodged against the petitioners as well and an affidavit to that affect be filed stating therein the status of Investigation in the enquiries that may be directed to be conducted by the Additional Director General of Police, concerned.

9. Affidavit of compliance be filed by the Additional Director General of Police, concerned by the next date fixed.

Order Date :- 14.8.2024

Jitendra