

**Court No. - 45**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 15959 of 2024

**Petitioner :-** Mohd Zaki

**Respondent :-** State Of Up And 3 Others

**Counsel for Petitioner :-** Tanisha Jahangir Monir

**Counsel for Respondent :-** G.A.

**Hon'ble Siddhartha Varma,J.**

**Hon'ble Ram Manohar Narayan Mishra,J.**

1. Heard learned counsel for the petitioner and learned AGA for the State.

2. This writ petition has been filed challenging the first information report dated 29.06.2024 giving rise to Case Crime No. 284 of 2024 under Sections 395, 354 of the Indian Penal Code, Police Station Gandhi Park, District Aligarh.

3. Contention of learned counsel for the petitioner is that the actual incident, which was got reported, was of the date 18.6.2024, in which, there was a mob lynching of the deceased, the brother of the petitioner namely Mohd. Fareed regarding which FIR was lodged by the petitioner on 19.6.2024. With regard to that very incident, now FIR had been lodged on 29.6.2024 malafidely by the first informant. With regard to death of Mohd. Fareed, there is a post mortem report dated 19.6.2024. In the FIR dated 29.6.2024 there is no mention about the fact that infact Mohd. Fareed had died and post mortem was conducted with regard to his death on 19.6.2024. Also learned counsel for the petitioner states that husband of first informant had been arrested vis-a-vis FIR dated 19.6.2024 and this fact had also not been mentioned in the impugned FIR. Infact, in the FIR it had been shown that the husband was in the house of first informant. Learned counsel for the petitioner, therefore, states that the FIR was a counterblast to the FIR, which was lodged on 19.6.2024.

4. Matter requires consideration.

5. Respondent nos. 1, 2 and 3 are represented by the learned A.G.A.

6. Issue notice to respondent no.4 returnable at an early date.

7. All the respondents may file counter affidavits within three weeks. Rejoinder affidavit may be filed within two weeks thereafter.

8. List thereafter.

9. Till next date of listing or till the submission of charge sheet, whichever is earlier, no coercive action shall be taken against the petitioner, subject to their cooperation in the investigation.

**Order Date :- 9.9.2024**

Dhirendra/