

Court No. - 51

Case :- CRIMINAL MISC. WRIT PETITION No. - 15579 of 2019

Petitioner :- Umesh @Umesh Chandra 4 Others

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

Counsel for Petitioner :- Ravindra Prakash Srivastava

Counsel for Respondent :- G.A.

Hon'ble Vipin Sinha,J.

Hon'ble Pankaj Bhatia,J.

Heard learned counsel for the petitioner(s) and learned A.G.A. for the State.

This writ petition has been filed with the prayer to issue a writ, order or direction in the nature of certiorari quashing the impugned F. I. R. which has been registered as Case Crime No. 79 of 2019, under Section - 147, 149, 323, 504, 506, 352, 452, 427, 308, 354 IPC and Section 7/8 POCSO Act, 2012, P.S.-Lalganj, district- Basti.

Learned counsel for the petitioner(s) submitted that the impugned first information report has been lodged by complainant containing absolutely false and concocted allegations against the petitioner(s) with the ulterior intention of harassing petitioner(s); apart from the bald allegations made in the impugned F. I. R., no evidence is forthcoming even prima facie indicating at the complicity of the petitioner(s) in the commission of alleged offence and hence the impugned F. I. R. which is a bundle of lies and motivated by malice, is liable to be .

We have perused the FIR and from perusal of the allegations as made in the impugned F. I. R., it cannot be said that no cognizable offence is made out.

After hearing learned counsel for the parties and after perusing the impugned FIR and keeping in view the law as laid down by the Apex Court in the aforementioned cases, the Court is of the opinion that no case for grant of any indulgence is made out.

However, it is provided that in case petitioners appear and surrender before the court below within 60 days from today and apply for bail, their prayer for bail shall be considered and decided in view of the settled law laid by this Court in the case of *Amrawati and another Vs. State of U.P. reported in 2004 (57) ALR 290* as well as judgement passed by Hon'ble Apex

Court reported in **2009 (3) ADJ 322 (SC) Lal Kamlendra Pratap Singh Vs. State of U.P.** For a period of 60 days from today or till petitioners surrender and applies for bail, whichever is earlier, no coercive action shall be taken against petitioners. However, in case, petitioners do not appear before the Court below within the aforesaid period, coercive action shall be taken against them.

With the aforesaid observations, the writ petition is disposed of.

Order Date :- 31.5.2019

Ujjawal