

Court No. - 47

Case :- CRIMINAL MISC. WRIT PETITION No. - 3097 of 2022

Petitioner :- Mohd. Zakir Alias Haji Zakir And Another

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

Counsel for Petitioner :- Mohit Singh, Dileep Kumar Shukla

Counsel for Respondent :- G.A

Hon'ble Anjani Kumar Mishra, J.

Hon'ble Deepak Verma, J.

Shri Piyush Kumar Shukla, Advocate has filed his appearance on behalf of respondent no. 3 in Court today, is taken on record.

Heard learned counsel for the petitioners, learned counsel for the first informant and learned AGA.

The writ petition seeks quashing of the F.I.R. dated 03.02.2022 giving rise to Case Crime No. 0059 of 2022, under Section 420, 406, 468, 120-B I.P.C., Police Station-Kotwali, District- Jhansi.

The contention is that according to the FIR, it is clear that the dispute between the parties pertains to a commercial transaction. It is alleged that although goods were received but full payment as the same has not been made by the accused. The dispute being that of a civil nature, the same has unnecessarily been given a colour of a criminal case.

Learned AGA may file counter affidavit within three weeks. Petitioners will have one week thereafter to file rejoinder affidavit.

List thereafter.

Till the next date of listing, the petitioners may not be arrested consequent to the impugned F.I.R. dated 03.02.2022 giving rise to Case Crime No. 0059 of 2022, under Section 420, 406, 468, 120-B I.P.C., Police Station-Kotwali, District- Jhansi.

This protection shall be available either till the next listing or till submission of police report under Section 173(2) Cr.P.C., whichever is earlier. It is also provided that the petitioners shall fully cooperate in the investigation, failing which they shall not be entitled to the benefit of this order.

When the case is listed next, the name of Shri Piyush Kumar Shukla, Advocate be shown as counsel for the respondent no. 3.

Order Date :- 28.3.2022

Mayank