

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 7357 of 2022

Petitioner :- Usman Ali

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Anjani Kumar,Udai Chandani

Counsel for Respondent :- G.A.

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Rajendra Kumar-IV,J.

Contention is that the allegation in the first information report with regard to manipulation in the affidavit filed in Case No. 31379 of 2018 could, at best, be examined in the proceedings of that case and as a matter of fact an application filed under Section 340 Cr.P.C. is already the subject matter of consideration in Criminal Appeal No. 4002 of 2021 and, therefore, lodgement of FIR amounts to multiplicity of proceedings in respect of the same issue.

Submission is that the impugned FIR is an abuse of the process of law and, therefore, liable to be quashed.

Matter requires consideration.

Notice on behalf of respondent nos.1, 2 and 3 has been accepted by learned A.G.A.

Issue notice to respondent no.4. Steps be taken within two weeks by registered/speed post.

All the respondents may file counter affidavit within six weeks. Rejoinder affidavit may also be filed within two weeks, thereafter.

List thereafter.

Subject to petitioner cooperating in the investigation, till the next date of listing, no coercive action shall be taken against the petitioners pursuant to impugned First Information Report dated 30.1.2022, registered as Case Crime No. 107 of 2022, under Sections 420, 467, 468 and 471 IPC, Police Station Robertsganj, District Sonbhadra.

Order Date :- 15.7.2022

n.u.