

Court No. - 70

Case :- APPLICATION U/S 528 BNSS No. - 11145 of 2025

Applicant :- Deepak Kumar

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Ajay Kumar Pandey, Sheshadri Trivedi, Sr. Advocate

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Misra, J.

1. Heard Mr. Satish Trivedi, the learned Senior counsel assisted by Mr. Ajay Kumar Pandey, the learned counsel for applicant and the learned A.G.A. for State-opposite party-1.

2. Perused the record.

3. On the matter being taken up, the learned A.G.A. representing State-opposite party-1 submits that applicant has already approached this Court by filing Criminal Misc. Writ Petition No. 23467 of 2024 (Deepak Kumar Vs. State of U.P. and 3 Others), wherein an interim order dated 20.12.2024 was passed. For ready reference, the order dated 20.12.2024 is reproduced herein below:-

"1. Heard learned counsel for the petitioner and Sri Tikendra Pratap Singh, Advocate holding brief of Sri Sukrampal Singh Tomar, learned counsel for the informant.

2. The relief sought in this petition is for quashing of the F.I.R. dated 10.05.2024 registered as Case Crime No.177 of 2024 under Section 420, 406, 376 IPC, Police Station Gangoh, District Saharanpur. Further prayer has been made not to arrest the petitioner in the aforesaid case.

3. At the very outset, learned counsel for the petitioner has placed reliance upon the interim order dated 22.10.2024, passed in Criminal Misc. Writ Petition No.11915 of 2024, Bablu Sharma versus State of U.P. and 2 others, wherein, this Court has accorded interim relief to the petitioner. Learned counsel for the petitioner states that the similar indulgence may also be accorded in favour of the petitioner.

4. Learned counsel for the informant states that the instant matter is distinguishable.

5. The matter requires consideration by this Court.

6. All the respondents may file counter affidavit within four weeks. Petitioner shall have one week, thereafter, to file rejoinder affidavit.

7. List and connect along-with Criminal Misc. Writ Petition No.11915 of 2024, Bablu Sharma versus State of U.P. and 2 others.

8. Considering the facts and circumstances of the case as briefly discussed above, as an interim measure, till the next date of listing or till submission of police report under Section 173(2) Cr.P.C. (now Section 193(3) Bhartiya Nagrika Suraksha Sanhita, 2023), whichever is earlier, the respondents are restrained to arrest the petitioner pursuant to the impugned FIR, subject to cooperation in the on-going investigation."

4. It is then contended by the learned A.G.A. that aforementioned writ petition is still pending.

5. In view of above, it is desirable that this application be heard along with aforementioned criminal misc. writ petition.

6. Accordingly, connected this application along with aforementioned criminal misc. writ petition.

7. Matter shall re-appear as fresh on 15.04.2025 along with connected matter before appropriate Bench after obtaining an order of nomination from Hon'ble The Chief Justice.

Order Date :- 7.4.2025

Vinay