

Court No. - 42

Case :- CRIMINAL MISC. WRIT PETITION No. - 15293 of 2024

Petitioner :- Ajay Agarwal And Another

Respondent :- State Of Up And 2 Others

Counsel for Petitioner :- Ravitendra Pratap Singh Chandel, Sushil Shukla

Counsel for Respondent :- Ankur Sharma, G.A., Nidhi A. Sharma

Hon'ble Vivek Kumar Birla, J.

Hon'ble Arun Kumar Singh Deshwal, J.

1. Counter affidavit filed by the informant is taken on record.
2. The present writ petition has been filed with the following prayers:-

"1. To, issue a writ order or direction in the nature of certiorari quashing the impugned order dated 01.08.2024 as passed by learned C.J.M., Bareilly in terms of S. 175 (3) of B.N.S.S. directing registration of the impugned F.I.R. against the petitioners. registered as Case Crime No.579 of 2024, under Sections- 191(2), 115(2), 352, 351(2), 351(3), 109 of B.N.S., 2023, Police Station - Jangha, District- Gorakhpur, and for a direction to the respondents not to arrest the petitioners in pursuance of impugned First Information Report.

2. To, issue a writ, order or direction in the nature of certiorari quashing the impugned F.I.R. dated 06.08.2024 (Annexure No.2) lodged against the petitioners, which has been registered as the F.I.R. No.299 of 2024, u/s 318(4), 338, 336 (3), 340 (2), 61 (2) of B.N.S., P.S. Prem Nagar, District Bareilly against them.

3. To, issue a writ, order or direction in the nature of mandamus commanding the respondent No.2 not to arrest the petitioners in connection with investigation of the impugned F.I.R. No.299 of 2024, u/s 318 (4), 338, 336 (3), 340 (2), 61 (2), 308 (2) of the B.N.S., P.S. Prem Nagar, District Bareilly until the conclusion of investigation or until the submission of police report, if any, in the said case crime."
3. Put up this case as fresh on 23.09.2024 along with record of Criminal Misc. Writ Petition No.15429 of 2024 (Ajay Agarwal vs. State of U.P. and others). However, learned counsel for the parties submit that the same controversy is involved in the aforesaid case between the parties.
4. In the meantime, learned counsel for the petitioner may file rejoinder affidavit to the counter affidavit filed today.

5. Till the next date of listing, no coercive action shall be taken against the petitioners in the aforesaid case.

Order Date :- 12.9.2024

Jitendra