

(2011) 07 UK CK 0186

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 533 of 2011 and Stay Application No. 6619 of 2011

Irshad and Others

APPELLANT

Vs

State of Uttarakhand and Nanhu Singh Pal

RESPONDENT

Date of Decision : 04-07-2011

Acts Referred:

Constitution of India, 1950 — Article 226
Penal Code, 1860 (IPC) — Section 147, 148, 307, 323, 452

Citation : (2011) 07 UK CK 0186

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Judgement

Prafulla C. Pant, J.—Heard.

2. By means of this writ petition moved under Article 226 of Constitution of India, the Petitioners have sought quashing of the First Information Report dated 07.10.2010, registered as F.I.R No. 548 of 2010, relating to offences punishable u/s 147, 148, 323, 504, 506 and 452 I.P.C., Police Station Kotwali Rudrapur, District Udham Singh Nagar.

3. Learned Counsel for the Petitioner submitted that Crime No. 547 of 2010, is registered against the Respondent No. 4 Nanhu Singh Pal and his associates relating to offences punishable u/s 147, 148, 149, 307 I.P.C., by Shabura Begum (wife of Noor Ahmad one of the accused in the impugned F.I.R.). It is further pointed out that there are as many as four injured persons on the side of the Petitioners. It is contended that it is abuse of process of law on the part of the complainant (Respondent No. 4 Nanhu Singh Pal) to implicate the Petitioners by filing the counter blast impugned First Information Report, as pressure tactics.

4. Admit the petition.

5. Learned Counsel for the State prays for and is allowed three week's time to file the counter affidavit.

6. Issue notices to Respondent No. 4 Nanhu Singh Pal who may also file his counter affidavit within a period of three weeks.

7. Having considered submissions of learnedcounsel for the Petitioners, and after going through the papers on record, as an interim measure, it is directed that the Petitioners Irshad, Mumtaz, Imtiyaz, Dilshad, Mustak, Shamshad, Kaluwa, Abid, Taslim, Bhola, Abrar, Babu, Puttan Pahalwan, Sahid, Smt Chandra, Smt Laliya, Wasim and Guddu shall not be arrested in connection with aforesaid Crime No. 548 of 2010, during investigation provided they cooperate with the investigating agency.

8. List after three weeks along with Criminal Writ Petition No. 386 of 2011. Stay Application No. 6619 of 2011 stands disposed of).