
(2013) 05 AHC CK 0033

In the Allahabad High Court

Case No : Criminal Miscellaneous Writ Petition No. 16031 of 2011

Shailesh Alias Dinesh Tripathi

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 03-05-2013

Acts Referred:

Citation : (2013) 82 ALLCC 499

Hon'ble Judges : Ravindra Singh, J;Anil Kumar Agarwal, J

Bench : Division Bench

Advocate : B.K. Tripathi, for the Appellant;

Final Decision : Dismissed

Judgement

Ravindra Singh and Anil Kumar Agarwal, JJ.—Heard Sri B.K. Tripathi, learned Counsel for the petitioner and learned A.G.A. for the State of U.P. This petition has been moved by the petitioner Shailesh alias Dinesh Tripathi with a prayer to quash the order dated 1.5.2010 passed by respondent No. 2 Superintendent of Police, Maharajganj by which the representation filed by the petitioner to close his history sheet No. 33-A of 2003, Police Station Brijmanganj, District Maharajganj has been rejected on the following grounds:

A. that the petitioner is an ex-Gram Pradhan and he is a social worker as well as provisional general secretary Panchayatraj Sangthan U.P.

B. that in the retaliation the police authorities got registered cross case bearing Case Crime No. 466-A/03 against the petitioner after one month and just thereafter history sheet No. 33-A of 2003 has been opened against the petitioner.

C. that the petitioner is being subjected to harassment under political motivation just to keep the petitioner away to contest grampanchayat election and the rival parties are influencing over the district administration to keep away the petitioner from not contesting the coming gram panchayat election in the month of September-October, 2010.

D. that the petitioner is subjected to harassment by arbitrary misuse of power by the police and history sheet No. 33-A is continued since 2003 without any justification.

E. that the impugned order suffers with illegality and liable to be set aside and respondent No. 2 may be suitably directed to close the history sheet No. 33-A of 2003 against the petitioner, at police station Brijmanganj, District Maharajganj.

2. From the perusal of record it appears that history sheet No. 33-A of 2003 has been opened at Police Station Brijmanganj, District Maharajganj. Seven criminal cases from the year 1987 to 2005 have been registered against the petitioner and 3 cases u/s 110, Cr.P.C., sections 3/4 U.P. Control of Goondas Act and section 10 of U.P. Control of Goondas Act were also registered against the petitioner from the years 2008 to 2010. The impugned order shows that out of 7 cases registered against the petitioner, he has been acquitted in two cases only because the witnesses were declared hostile but five criminal cases were pending against the petitioner. Case Crime No. 790 of 2008 u/s 110, Cr.P.C., Police Station Brijmanganj, District Maharajganj is also pending. Case Crime No. 869 of 2009 u/s 3/4 U.P. Control of Goondas Act, Police Station Brijmanganj, District Maharajganj has been decided by the District Magistrate, vide order dated 17.12.2009, in which the order of internment for a period of six months has been passed against the petitioner. In violation of the order dated 17.12.2009, Case Crime No. 180 of 2010 u/s 10 of the U.P. Control of Goondas Act has been registered against the petitioner at Police Station Brijmanganj, District Maharajganj. The S.P. Maharajganj has considered each case which was registered against the petitioner, thereafter a reasoned order has been passed by which the representation of the petitioner has been rejected. The impugned order dated 1.5.2010 is a well reasoned order, it does not require any interference by this Court. There is no good ground to quash the order dated 1.5.2010 passed by S.P. Maharajganj by which the representation for closing the history sheet No. 33-A of 2003 P.S. police station Brijmanganj, district Maharajganj has been rejected and there is no good ground to close the history sheet No. 33-A of 2003 P.S. police station Brijmanganj, district Maharajganj. Therefore, the prayer for quashing the impugned order dated 1.5.2010 and closing the history sheet No. 33-A of 2003, P.S. Police Station Brijmanganj, District Maharajganj is refused at this stage. Accordingly, this petition is dismissed.