

Ishtiaq Hussain Farooqui vs State Of U.P. And Ors. on 29 September, 1986

Equivalent citations: AIR1988SC93, 1988CRILJ189, 1986SUPP(1)SCC531, AIR 1988 SUPREME COURT 93, 1987 SCC(CRI) 157, 1986 SCC(SUPP) 531, 1988 IJR 152, 1988 (1) KANTLJ 207.1, 1988 IJR (SC) 152, (1988) ALLCRIR 129, (1988) 1 KANT LJ 207(1)

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Bench: A.P. Sen, B.C. Ray

ORDER

A.P. Sen, J.

1. We fail to appreciate the occasion for filing such a petition. The maintenance of law and order is a function of the District Magistrate and we have every reason to believe that the District Magistrate of Lucknow with a view to avoid any possible breach of peace would take the necessary steps well in advance for the purpose of maintaining public order which would be in the larger interests of the society. The exercise of fundamental rights under Articles 25 and 26 of the Constitution is not an absolute right but must yield or give way to maintenance of public order as laid down by this Court in *Gulam Abbas v. State of Uttar Pradesh*. The principles are well settled and it is but for the District Magistrate to exercise his powers in consonance with the provisions of Section 144 of the Criminal P.C. 1973. This petition under Article 32 of the Constitution appears to be wholly misconceived.

2. The petition is accordingly dismissed. The petitioner shall be at liberty to move the District Magistrate, Lucknow to take appropriate measures well in advance that there are no such incidents.