

Allahabad High Court

Putunni & Others vs State Of U.P.,Thru. Prin. ... on 5 August, 2010

Court No. - 20

Case :- MISC. BENCH No. - 7461 of 2010

Petitioner :- Putunni & Others

Respondent :- State Of U.P.,Thru. Prin. Secy.,Home & Others

Petitioner Counsel :- Satish Chandra "Kashish"

Respondent Counsel :- G.A.

Hon'ble Raj Mani Chauhan,J.

Hon'ble Virendra Singh,J.

Heard learned counsel for the petitioner, learned A.G.A and perused the documents available on record.

This petition under Article 226 of the Constitution of India has been filed by the petitioner for quashing the impugned FIR, registered in case crime no.292 of 2010, under Sections 307, 504, 506 IPC in Police Station Laganj, Distt. Pratapgarh and also for direction to the opposite parties not to arrest the petitioner in pursuance to the said impugned FIR. The submission of learned counsel for the petitioner is that the incident had been taken place on 22.07.2010 at about 11.00 P.m in the night and the FIR was lodged on 24.07.2010 at 11.05am. which is highly delayed. Further submission of learned counsel for the petitioner is that as per prosecution version the complainant was returning back his home from Lucknow on his Motorcycle with one person. While he was on his way four accused were met him on the way and they opened firing on them but both of them narrowly escaped and they did not sustain any injury.

Learned counsel for the petitioner submits that the story narrated by the complainant on its face appears to be unnatural and false. Prima-facie it appears that the petitioner has been falsely implicated on account of the village politics as the election of Pradhan is coming nearer, therefore, he deserves interim protection.

Learned A.G.A opposed the petition.

We have gone through the contents of the FIR. Keeping in view the totality of the facts the case the petition is finally disposed of with the observation that petitioner will not be arrested by the Investigation Officer till cogent and credible evidence is collected by him against the petitioner subject to his cooperation in the investigation.

Order Date :- 5.8.2010 Shahnaz