

Allahabad High Court

Ram Saran S/O Late Swami Dayal & ... vs State Of U.P. Thru Prin. Secy. Home ... on 27 January, 2010

Court No. - 28

Case :- MISC. BENCH No. - 509 of 2010

Petitioner :- Ram Saran S/O Late Swami Dayal & Ors.

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

Petitioner Counsel :- Dr. Manoj Dubey

Respondent Counsel :- G.A.

Hon'ble Alok Kumar Singh,J.

Hon'ble Yogendra Kumar Sangal,J.

Under challenge in the writ petition is FIR relating to Case Crime No. 8 of 2010, under Sections 323, 504, 506 IPC, & extended Section 3 (1)(X) S.C./S.T. Act, Police Station - Maholi, district Sitapur.

Heard learned counsel for the petitioners, learned AGA for the State of U.P. and perused the material on record including the impugned First Information Report.

The FIR discloses commission of cognizable offence, therefore it cannot be quashed.

Learned counsel for the petitioner, however submits that initially the FIR was lodged for non-cognizable offence under Sections 323, 504 and 506 IPC. After a long gap, the provisions of Section 3 (1)(X) were slapped. It is said that in the FIR there was no allegations of abusing by caste in public view.

In view of the above, this petition is finally disposed of with direction that petitioners shall not be arrested in the aforesaid case crime number unless and until some credible and cogent evidence is collected against them during the course of investigation, subject to their full cooperation with the investigation.

Order Date :- 27.1.2010 Kaushal