

**Court No. - 9**

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**Case :- MISC. BENCH No. - 18183 of 2021**

**Petitioner :- Sharad Kumar Dwivedi**

**Respondent :- State Of U.P.Thru.Secy.Home,Lucknow & Ors.**

**Counsel for Petitioner :- Krishna Kumar Singh**

**Counsel for Respondent :- G.A.,Rajat Pratap Singh**

**Hon'ble Ramesh Sinha,J.**

**Hon'ble Mrs. Saroj Yadav,J.**

1. Heard learned counsel for the petitioner, Shri Krishna Kumar Singh, and Shri Arunendra, learned A.G.A., who has accepted notice on behalf of respondents no.1,2 & 3 and perused the impugned F.I.R. as well as material brought on record.

2. This writ petition has been filed by the petitioner, Sharad Kumar Dwivedi, to quash F.I.R. dated 15.8.2021 registered as Case Crime No.0720 of 2021, under Sections 384, 468 I.P.C. and Section 67a of Information Technology Act, Police Station Kotwali City, District Hardoi.

3. Shri Krishna Kumar Singh, learned counsel for the petitioner has filed supplementary affidavit in court, which is taken on record.

4. Learned counsel for the petitioner submitted that previously two First Informations Reports were lodged against him just for harassment and a Public Interests Litigation bearing PIL Civil No.7472 of 2021 : Sharad Kumar Dwivedi Vs. State of U.P. was also filed. The petitioner is a News Reporter in 'Readers Times News'. He collects news and in the interest of public, publishes them. The complainant has lodged the present F.I.R. with concocted facts just to harass the petitioner. In fact the complainant is Vice President of Bhartiya Janta Party in District Hardoi. The complainant himself posted a post on the Facebook on 14.8.2021 about a lady mentioned in the F.I.R. who was allegedly blackmailing him. The petitioner has no concern with the complainant or the alleged lady whose name has been disclosed in the F.I.R.

5. *Prima facie*, arguments advanced appear to have some substance and require consideration by

this court, therefore, a case for interim relief is made out.

6. Each of the respondent is granted two weeks, time to file counter affidavit.

7. Rejoinder affidavit, if any, may also be filed within one week thereafter.

8. List after three weeks.

9. Till the next date of listing, arrest of the petitioner, Sharad Kumar Dwivedi, pursuant to impugned F.I.R./ Case Crime No.0720 of 2021, under Sections 384, 468 I.P.C. and Section 67a of Information Technology Act, Police Station Kotwali City, District Hardoi, shall remain stayed.

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**(Saroj Yadav,J) (Ramesh Sinha,J)**

**Order Date :- 27.8.2021**

Shukla

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**Counsel for Petitioner :-** Krishna Kumar Singh

**Counsel for Respondent :-** G.A.,Rajat Pratap Singh

**Hon'ble Ramesh Sinha,J.**

**Hon'ble Mrs. Saroj Yadav,J.**

(Crl. Misc. Application No.104519 of 2021).

Shri Rajat Pratap Singh, Advocate has filed application for dismissal of the writ petition alongwith short counter affidavit on behalf of respondent no.4.

Shri Rajat Pratap Singh, Advocate states that he wishes to withdraw his Vakalatnama filed on behalf of respondent no.4 as he at one point of time, had represented the petitioner of the present case. He further submitted that the application for dismissal of the writ petition alongwith short counter affidavit be also permitted to be withdrawn as not pressed with liberty to the respondent no.4 to engage a counsel of his choice.

In view of the above, Shri Rajat Pratap Singh, Advocate is permitted to withdraw his Vakalatnama alongwith application for dismissal of the writ petition bearing Crl. Misc. Application No.104519 of 2021 alongwith short counter affidavit of respondent no.4 with liberty to the respondent no.4 to engage a counsel of his choice.

The application is dismissed as withdrawn as not pressed, with liberty as prayed for.

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**(Saroj Yadav,J) (Ramesh Sinha,J)**

Order Date :- 27.8.2021

Shukla