

Court No. - 9

WWW.LIVELAW.IN

Case :- MISC. BENCH No. - 30351 of 2021

Petitioner :- Smt.Deepmala Dubey & Anr.

Respondent :- Statce Of U.P.Thru.Prin.Secy.Home,Lucknow & Ors

Counsel for Petitioner :- Ishuk Ali Yusuf

Counsel for Respondent :- G.A.

Hon'ble Devendra Kumar Upadhyaya,J.

Hon'ble Shamim Ahmed,J.

Notice on behalf of respondent Nos. 1 to 4 has been accepted by the office of learned Government Advocate.

Let counter affidavit be filed by the respondents within four weeks. Two weeks' time thereafter shall be available to the learned counsel for the petitioners to file rejoinder affidavit.

List this case after expiry of the aforesaid period.

Under challenge in this petition is the First Information Report, dated 27.11.2021, lodged at Case Crime No.0742 of 2021, under Sections 120-B, 411, 413 I.P.C., Police Station Thakurganj, District Lucknow.

Submission of learned counsel for the petitioners is that the impugned First Information Report has been lodged against the petitioners for malafide reasons. It has vehemently been submitted by the learned counsel for the petitioners that both the petitioners are working as journalists in Pranam Mamrabhumi Hindi Newspaper and that since the news item regarding alleged misconduct of respondent No.4 was broadcasted at some social media by the petitioners, the respondent No.4 has falsely implicated the petitioners in the case. It has further been argued that the only allegation in the impugned First Information Report is that the petitioners have been giving information to the persons of the houses where theft could be committed.

When we peruse the impugned First Information Report and also the record available before us, what we find is that both the petitioners are working as journalists with a newspaper and that from perusal of Annexure No.3, it appears that some news regarding alleged misconduct on the part of the complainant/respondent No.4, who is Sub-Inspector, was broadcasted on some social media that prima-facie petitioners have been roped in falsely in this case.

Prima-facie, we are of the opinion that the impugned First Information Report is, thus, malafide.

Accordingly, having regard to the aforementioned facts, we direct that the petitioners shall not be arrested in connection with the aforesaid impugned First Information Report, till the next date of listing.

The petitioners shall, however, cooperate with the investigation.

We further direct that the investigation of the impugned First Information Report shall be conducted by an Investigating Officer not posted in Police Station Thakurganj but by an Investigating Officer to be appointed by the Commissioner of Police, Lucknow belonging to the Police Station other than the Police Station Thakurganj. We also direct that the investigation of the impugned First Information Report shall be conducted under direct supervision of the Commissioner of Police, Lucknow, who shall regularly monitor the same.

Learned A.G.A. shall communicate this order to the Commissioner of Police, Lucknow forthwith.

Order Date :- 22.12.2021

Sanjay