

Reserved on 20.04.2023

Delivered on 31.05.2023

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 6138 of 2023

Petitioner :- Sachin Chaudhary

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Kumar Kartikeya, Chandra Shekhar Singh

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra, J.

Hon'ble Ms. Nand Prabha Shukla, J.

Heard learned counsel for the petitioner and learned AGA for the State.

The instant writ petition seeks quashing of First Information Report dated 01.04.2023 giving rise to Case Crime No. 106 of 2023 under Sections 153-A, 505(2), 504 IPC, Police Station Sambhal, District Sambhal.

It is contended by learned counsel for the petitioner that the First Information Report alleges that in a press conference, the words spoken by petitioner cannot and should not attract Section 153-A of IPC. The allegations in the First Information Report are vague and it is hard to understand as to how the words would disturb communal harmony. The petitioner is a social activist and Secretary of Youth Congress, U.P.

It is alleged in the first information report that allegations of a love affair and homo-sexuality were made insofar as the relationship between the Prime Minister and Adani is concerned. The statement made by petitioner is not contrary to law, in any case, the provision

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which has been invoked in the impugned FIR criminalize freedom of speech which is guaranteed under the Constitution. The first information report is mala fide and has been prompted by political reasons.

Learned AGA has opposed the writ petition and has stated that the statement made by the learned counsel for the petitioner in a press conference are definitely such which are prejudicial to the maintenance of harmony between groups or communities and have the potentialities of disturbing communal harmony and public tranquility.

We have considered the submissions by learned counsel for the parties and perused the first information report.

In our considered opinion that the offence alleged in the impugned FIR would definitely fall within the ambit of Section 153-A and Section 505(2) of IPC which are cognizable offence. The FIR therefore, cannot be quashed.

The writ petition is accordingly dismissed however without prejudice to the right of the petitioners to apply for bail/anticipatory bail.

Order Date :- 31.5.2023

Aditya Tripathi