

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 2015 of 2024

Petitioner :- Chintamani Sahu

Respondent :- State Of U.P. Thru. Prin. Secy. Home Lko. And Others

Counsel for Petitioner :- Pradeep Kumar Rai,Lallan Rai,Prakarsh Pandey

Counsel for Respondent :- G.A.

Hon'ble Rajan Roy,J.

Hon'ble Narendra Kumar Johari,J.

Heard learned counsel for the petitioner and learned A.G.A. for the State.

By means of this writ petition, the petitioner has sought quashing of First Information Report bearing Case Crime No. 0087 of 2022, under Sections 174-A IPC, Police Station-Gosaiganj, District- Ayodhya.

The contention of the petitioner's counsel is that the offence alleged in the F.I.R., which has been lodged by Inspector, Police Station- Gosaiganj, District- Ayodhya, is under Section 174-A I.P.C., whereas in view of the provision of Section 195 Cr.P.C., an F.I.R. could not have been lodged regarding such offence, instead a complaint in writing by the public servant concerned or of some other public servant to whom he is administratively subordinate, would alone be maintainable under Section 195 (1) (a) (i).

He relies upon a Division Bench's judgment of this Court reported in **2024 SCC OnLine All 153, Sumit and Another and State of U.P. and Others** Criminal Misc. Writ Petition No.17560 of 2023 decided on 08.1.2024, a copy of which has been provided to learned AGA, Shri S.P. Singh.

On being confronted with the aforesaid position, learned AGA fairly submitted that liberty be granted for lodging of the compliant by the concerned public servant in terms of Section 195 (1) Cr.P.C.

In view of the aforesaid, the impugned F.I.R. is quashed, however with the liberty to concerned public servant or to the officer/ public servant administratively superior to the said

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public servant, as is mentioned in Section 195 Cr.P.C. to lodge a compliant, if there is a cause in law. This is without prejudice to the rights of the petitioner to contest the matter before the Court below.

Thus, the instant petition is **allowed** in the aforesaid terms.

Order Date :- 28.3.2024

Gurpreet Singh