

Court No. - 45

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Case :- CRIMINAL MISC. WRIT PETITION No. - 4329 of 2021

Petitioner :- Surya Pratap Singh

Respondent :- State Of Up And 2 Others

Counsel for Petitioner :- Syed Imran Ibrahim, Anshul Nigam, Sr. Advocate (Mr. Manish Tiwary)

Counsel for Respondent :- G.A.

Hon'ble Pritinker Diwaker, J.

Hon'ble Samit Gopal, J.

Sri Manish Tiwary, learned Senior Counsel, assisted by Sri Anshul Nigam and Sri Syed Imran Ibrahim, counsels for the petitioner and Sri J.K. Upadhyay, learned A.G.A. for the State have appeared through video conferencing.

This writ petition has been filed by the petitioner seeking quashment of FIR dated 31.5.2021 in respect of Crime No. 0355 of 2021 for the offence under Section 505 of IPC and Section 66 of Information Technology Act, 2000, Police Station Kalyanpur, District Kanpur Nagar.

Issue notice to respondent no.3. Notice be made returnable within four weeks.

Steps within a week. Failure in taking steps shall lead to automatic vacation of the stay order.

Heard on stay application.

Learned counsel for the petitioner submits that even if the entire prosecution case is taken as it is, offence under Section 505 of IPC and Section 66 of the Information Technology Act, is not made out. By referring page 75 of the petition, it has been argued that in a similar case, petition has already been entertained by this Court and an interim order has also been granted on 31.5.2021.

On the other hand, learned AGA opposes the petition.

Considering the facts and circumstances of the case, protection from arrest to the petitioner is granted till the next date of hearing.

List this case in the week commencing 9.8.2021.

As stay is being granted in favour of the petitioner, on the next date, all endeavour would be made to decide the writ petition finally and further adjournment may not be granted as a matter

of right.

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In the meanwhile, State may file counter.

It is made clear that investigation shall go on and the petitioner shall cooperate in the investigation. Non cooperation of the petitioner in the investigation may give a reason to the State to file an application seeking vacation of the interim order.

The party shall file computer generated copy of this order downloaded from the official website of the High Court, Allahabad, self attested by the petitioner(s) along with a self attested identity proof of the said person(s) (preferably Aadhar Card) mentioning the mobile number(s) to which the said Aadhar Card is linked.

The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court, Allahabad and shall made a declaration of such verification in writing.

Order Date :- 25.6.2021

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