

Court No. - 30

Case :- APPLICATION U/S 482 No. - 15488 of 2020

Applicant :- Meer Mohammad And 11 Others

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Satya Dheer Singh Jadaun, Manish Tandon

Counsel for Opposite Party :- G.A.

Hon'ble Anil Kumar-IX,J.

Heard learned counsel for the applicants, learned A.G.A. for the State-respondents and perused the record.

The application u/s 482 Cr.P.C. has been filed with prayer to quash the charge sheet dated 06.06.2020 as well as cognizance order dated 31.07.2020 and stay the further proceeding of Criminal Case No.2066/9 of 2020 (State vs. Meer Mohammad Ali and others), arising out of Case Crime No.0090 of 2020, under Sections 188, 269, 270 I.P.C. and Section 14 of Foreigner Act, 1946 & Section 3 of Epidemic Diseases Act, 1897, P.S. Thana Bhawan, District-Shamli.

Learned counsel for the applicants submitted that applicants are innocent and have been falsely implicated in this case on baseless ground and illegal proceedings. They have not violated any provision of Foreigner Act, Epidemic Diseases Act, 1897 and at any point of time during their stay in India. The present prosecution has been instituted with malicious intention to harass them. The applicants have relied upon judgements of High Court at Bombay at Nagpur Bench in Criminal Application (APL) No. 453 of 2020 and High Court at Bombay at Aurangabad Bench in Criminal Writ No. 548 of 2020.

Learned A.G.A. opposed the prayer and submitted that applicants were actively involved in this offence and have violated the rules.

In view of the submission made by learned counsel for the applicants and fact of the case, this Court is of the opinion that matter requires consideration.

Issue notice to opposite party no.2 returnable at an early date.

Learned counsel for the opposite party no.2 may file his counter affidavit within three weeks. Learned A.G.A. appearing for State of U.P. may also file counter affidavit in aforesaid period. Rejoinder affidavit, if any, may be filed within one week

thereafter.

List in the week commencing 23.11.2020. Till then no coercive action shall be taken against the applicants in above mentioned case.

Order Date :- 19.10.2020

Rahul.