

Court No. - 48

Case :- CRIMINAL MISC. WRIT PETITION No. - 7581 of 2020

Petitioner :- Supriya Sharma And Another

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

Counsel for Petitioner :- Swetashwa Agarwal,Raghav Dwivedi,Sr. Advocate

Counsel for Respondent :- G.A.

Hon'ble Manoj Misra,J.

Hon'ble Anil Kumar-IX,J.

Heard learned counsel for the petitioners; the learned A.G.A. for the respondents 1 and 2; and perused the record.

The instant petition seeks quashing of the first information report dated 13.06.2020 registered as Case Crime No. 88 of 2020 at P.S. Ramnagar, District- Varanasi, under Sections 269 and 501 I.P.C. and section 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The allegations in the impugned first information report are to the effect that informant's plight with regard to her life and living condition was wrongly represented and published by the accused and by such publication, she stood humiliated.

The learned counsel for the petitioners submitted that the petitioners had made audio recording of the interview and the publication was a true representation of what was stated in the interview and the publication was made in public interest to highlight the condition of certain persons. In paragraph 10 of the petition it has been stated that the petitioners have audio recording of the interview. Along with the petition, photographs have also been annexed to demonstrate that the person concerned was contacted.

Be that as it may, all the aforesaid aspects need to be ascertained on the basis of material collected during the course of investigation and therefore, at this stage, it would not be appropriate for us to express any opinion as regards the merits of the allegations. Under the circumstances, as the allegations disclose commission of cognizable offence, the prayer of the petitioners to quash the first information report cannot be accepted.

However, considering the facts and circumstances of the case and keeping in mind that the petitioners claim that they have audio recording of the interview, the contents of which were reflected in the publication, we deem it appropriate to **dispose off** this petition by providing that investigation of the case shall continue and brought to its logical conclusion but petitioners shall not be arrested in the above case till submission of police report under Section 173 (2) CrPC. provided they cooperate in the investigation.

It is made clear that that if the investigating agency seeks the audio recording of the interview, the same shall be provided by the petitioners.

Order Date :- 25.8.2020

Sunil Kr Tiwari