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HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 6439 of 2019

Petitioner :- Sonakshi Sinha

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

Counsel for Petitioner :- Imran Ullah, Mohammad Khalid

Counsel for Respondent :- G.A.

Hon'ble Naheed Ara Moonis, J.

Hon'ble Virendra Kumar Srivastava, J.

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

By means of the present writ petition, the petitioner has invoked extraordinary jurisdiction of this Court with a prayer to quash the FIR dated 22.2.2019 registered as Case Crime No.97 of 2019, under Sections 34, 120-B, 406, 420 IPC, P.S. Katghar, District Moradabad.

Learned counsel for the petitioner submitted that the impugned first information report has been lodged by the respondent no.3 containing absolutely false and concocted allegations against the petitioner with the ulterior intention of exerting pressure upon her. The entire prosecution case is based on the fabricated facts. He further submitted that apart from the bald allegations made in the impugned F.I.R. no evidence is forthcoming even prima facie of delusion or cheating to indicate the complicity of the petitioner in the commission of the alleged crime and hence the impugned F.I.R. is liable to be quashed.

Per contra learned A.G.A. contended that the allegations made in the first information report cannot be aborted at this stage. The petitioner will have sufficient opportunity to rebut the allegations. The petitioner cannot be absolved from her accountability at the pre trial stage.

From perusal of the F.I.R., prima facie cognizable offences is made out at this stage against the petitioner, therefore, we do not find any cogent reason to quash the first information report. The prayer for quashing the first information report is refused.

However, in the facts and circumstances of the case and the submissions advanced on behalf of the petitioner, it is directed that the petitioner shall not be arrested in the aforesaid case till the submission of police report under Section 173 (2) Cr.P.C., subject to the restraint that she shall co-operate with the investigation and shall appear as and when called upon to assist in the investigation. It is clarified that the petitioner shall not be subjected to any embarrassment or harassment in the intervening period.

With the above direction, this petition is finally disposed of.

Order Date :- 8.3.2019

M. Tariq

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