

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 1535 of 2025

Petitioner :- Amit Kumar Pathak And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home Lko. And 5 Others

Counsel for Petitioner :- Ganesh Kumar Gupta

Counsel for Respondent :- G.A.

Hon'ble Vivek Chaudhary, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

(C.M.A.No.NIL of 2025)

1. Application for amendment filed today is taken on record.
2. Heard learned counsel for the parties.
3. The amendment application is allowed.
4. Let necessary amendment be incorporated during the course of the day.

(C.M.A.No.NIL of 2025)

5. This is an application for impleadment, which is filed today is taken on record.
6. On being consideration, the application is allowed.
7. Let the necessary impleadment be carried out during the course of the day.
8. Shri Shailendra Singh Chauhan, learned counsel for the Municipal Corporation, who is present in the Court, is served. He shall complete his instructions in the matter by tomorrow from the Municipal Commissioner.

Order on Petition

9. This is a serious matter which has come to this Court wherein lawyers of this Court are beaten by the street vendors outside

S.G.P.G.I. and the car of petitioner no.1 is damaged. The skull is punctured and serious injury is suffered by petitioner no.1- Amit Kumar Pathak. Despite this fact, the FIR was lodged against the petitioners only and no cross-FIR is lodged against the persons who inflicted injury. The petitioners since then repeatedly have been approaching the police authorities for registration of FIR but no action is taken.

10. In the given circumstances a petition was filed before this Court which was taken up by this Court on 21.02.2025 and adjournment was granted as the learned A.G.A. wanted to complete his instructions in the matter.

11. Today another petition bearing CrI. Misc. Writ Petition No.1648 of 2025 is filed by the petitioners, which is called up by this Court and is taken up today, which is a petition for quashing the FIR dated 24.11.2024 bearing FIR No.0782, under Sections 109, 115(2), 191(2), 324(2), 351(3) and 352 of Bhartiya Nyaya Sanhita, 2023, Police Station PGI, District Lucknow.

12. Learned A.G.A. informs this Court that now the FIR has been registered on application of petitioners.

13. This is a serious matter where in the capital of the State lawyers are beaten and FIR is not lodged by the police while an FIR is lodged against the victims and they are being harassed.

14. Learned counsel for the petitioners strongly argued that even the street vendors who are putting up their carts (*thelas*) in the evening have no sanction from the Municipal Authorities to put up the same and it is the concerned police station which is getting all these illegal street markets set up only to earn illegal money.

15. The Municipal Commissioner, Lucknow Nagar Nigam shall provide complete instructions by tomorrow as to whether any street vendors are given licences or permission to hold markets in front of Trauma Centre, SGPGI at Vrindavan Colony crossing and in case such licences are given, copies of the same shall also be produced tomorrow.

16. The Commissioner of Police, Lucknow shall also provide complete instructions to the learned A.G.A. with regard to the role played by the I.O. and S.H.O. of Police Station -S.G.P.G.I., District-Lucknow is failing to lodge an FIR since 23.11.2024 till date and lodging the FIR only after the matter is brought up before this Court.

17. The Commissioner of Police shall also depute a senior officer to be present before this Court tomorrow along with complete instructions.

18. Put up this matter **tomorrow, i.e. 25.02.2025** in top ten cases.

19. The I.O., S.H.O. as well as the Supervisory Authority are restrained from holding any further investigating or taking any action in the matter unless permitted by this Court.

(Syed Qamar Hasan Rizvi, J.) (Vivek Chaudhary, J.)

Order Date :- 24.2.2025

Anand/-