

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 12839 of 2023

Petitioner :- Ramdeen

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

Counsel for Petitioner :- Vinay Kumar Singh Chandel, Rabindra Tiwari

Counsel for Respondent :- G.A., Ashutosh Kumar Gautam

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Learned counsel for the petitioner has supplied a copy of the message sent on Whatsapp, which was duly received, to learned counsel appearing for the informant to the effect that the case shall be taken up in the first call. The same is taken on record.

2. No one is present on behalf of the informant.

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

4. This writ petition has been filed for quashing the impugned First Information Report dated 24.7.2023 registered as Case Crime No. 398 of 2023, under Sections 354(A), 506 I.P.C., P.S. Pooranpur, District Pilibhit. Further prayer has been made not to arrest the petitioner in the aforesaid case.

5. Submission of learned counsel for the petitioner is that the present first information report has been lodged because of the complaint lodged by the petitioner against the Gram Pradhan for the illegalities being committed by him.

6. Learned A.G.A. pointed out that the petitioner has criminal history of two cases, however, could not dispute the fact that the offences are covered under Section 41-A Cr.P.C.

7. The submission is that all alleged offences are punishable with imprisonment upto seven years, therefore, the police authorities are bound to follow the procedure laid down under Section 41-A Cr.P.C. The petitioner has been wrongly implicated and could not be arrested. Reliance has been placed on the judgment of Apex

Court in Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273 and Social Action Forum for Manav Adhikar Vs. Union of India, Ministry of Law and Justice and others in Writ Petition (Civil) No. 73 of 2015 with Criminal Appeal No. 1265 of 2017 Writ Petition (Criminal) No. 156 of 2017 and in Satendra Kumar Antil vs. Central Bureau of Investigation and another, (2022) 10 SCC 51 and Co-ordinate Bench of this Court in Vimal Kumar & 3 Others Vs. State of U.P. & 3 Others, 2021 (2) ACR 1147.

8. We have gone through the impugned first information report and we are of the opinion that the guidelines framed by the Apex Court in the above noted judgment are equally applicable to the facts of the instance case.

9. Accordingly, the instant petition also stands disposed of in terms of the judgments noted above.

Order Date :- 16.10.2023

Lalit Shukla