

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 14074 of 2023

Petitioner :- Mohd Asif Akram And 6 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Ghazala Bano Quadri, Maseeh Uddin

Counsel for Respondent :- G.A., Kshitij Pal Singh

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Ms. Ghazala Bano Quadri, learned counsel for the petitioners, learned A.G.A. for State and Sri Kshitij Pal Singh, learned counsel for the informant.

2. Vide order dated 19.09.2023 the matter was referred to Mediation Centre.

3. As per Mediation Centre report dated 31.10.2023, mediation has completed but no agreement was reached, therefore, we proceed to hear this matter on merits.

4. The present writ petition has been preferred with the prayer to quash the impugned First Information Report dated 13.7.2023 registered as Case Crime No. 73 of 2023, under Sections 498A, 504, 506, 507 IPC and Section 3/4 of D.P. Act, PS Manikpur, District Chitrakoot and for a direction to the respondents not to arrest the petitioners in pursuance of impugned First Information Report.

5. Although prayer for quashing of FIR has been made but without insisting on the same only 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 petitioners have been wrongly implicated and could not be arrested. Reliance has been placed on the judgement 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, Satendra Kumar Antil vs. Central Bureau of Investigation and Another, (2022) 10 SCC 51 and co-ordinate Division Bench of this Court in Vimal Kumar & 3 others Vs. State of U.P. & 3 others in 2021 (2) ACR 1147.***

6. We have gone through the impugned first information report and without interfering in the same, we are of the opinion that the guidelines framed by the Apex Court in the above noted judgement are equally applicable to the facts of the instant case.

7. Accordingly, the instant petition also stands disposed of in terms of the judgements as noted above.

8. As per usual practice, out of the amount of Rs. 20,000/- deposited in Mediation Centre, after retaining Rs. 5,000/- by the Mediation Centre, the balance amount of Rs. 15,000/- shall be released by Mediation Centre in favour of respondent no. 4-Sajida Farjana, in accordance with the procedure, preferably within a period of 15 days from the date of apply of the same before the Mediation Centre.

Order Date :- 29.11.2023

P.Sri.