Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 16811 of 2023

Petitioner :- Vikas @ Vikki
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Satya Dheer Singh Jadaun,Ashish Mishra,Rajesh Kumar Mishra
Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.
Hon'ble Vinod Diwakar,J.

1. Supplementary affidavit filed today is taken on record.

2. Heard learned counsel for the petitioner and Sri Vivek Dubey, learned State Law Officer appearing for State respondents.

3. This writ petition has been filed for quashing the impugned First Information Report dated 23.7.2023 registered as Case Crime No. 246 of 2023, under Sections 420 I.P.C, P.S. Thana Bhawan, District Shamli. Further prayer has been made not to arrest the petitioner in the aforesaid case.

4. 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**.

5. 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.

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

Order Date :- 3.11.2023
Lalit Shukla

Digitally signed by :-
LALIT KUMAR SHUKLA
High Court of Judicature at Allahabad