

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 17262 of 2023

Petitioner :- Hemlata And 4 Others

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

Counsel for Petitioner :- Mohd. Monis,Bhanu Kumar Ratnakar

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Manish Kumar Nigam,J.

1. Heard Sri Mohd. Monis, learned counsel for the petitioners and Sri Virendra Kumar Pal, learned A.G.A. for State respondents.

2. This writ petition has been filed for quashing the impugned First Information Report dated 20.9.2023 registered as Case Crime No. 496 of 2023, under Sections 147, 323, 506, 308 I.P.C, P.S. Dhoomanganj, District Prayagraj. Further prayer has been made not to arrest the petitioner in the aforesaid case.

3. 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.**

4. 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.

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

Order Date :- 16.11.2023

Lalit Shukla