

**Court No. - 46**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 18018 of 2023

**Petitioner :-** Ashwani And 7 Others

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

**Counsel for Petitioner :-** Om Prakash Rai, Ashish Rai

**Counsel for Respondent :-** G.A., Yogesh Kumar Mishra

**Hon'ble Ashwani Kumar Mishra, J.**

**Hon'ble Syed Aftab Husain Rizvi, J.**

This petition has been filed with the prayer to quash the First Information Report registered as Case Crime No.553 of 2023, under Sections 498-A, 323, 427, 504, 506 IPC and 3/4 D.P. Act, Police Station - Modinagar, District - Ghaziabad.

In view of the fact that investigation is proceeding against the petitioners only under Sections 323, 427, 506 and 406 IPC and the previous FIR is separate and distinct wherein charge-sheet has been submitted under Section 498-A IPC, learned counsel for the petitioners confines his relief to a direction issued to the Investigating Authority not to proceed against the petitioners except by complying with the provisions of Section 41-A of Code of Criminal Procedure.

Learned A.G.A. states that the Investigating Officer shall comply with Section 41-A Cr.P.C. before proceeding against the petitioners.

In view of the above, this petition stands disposed of with the direction that the authorities shall ensure compliance of Section 41-A Cr.P.C. in the matter.

**Order Date :-** 5.12.2023

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