

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 694 of 2023

Petitioner :- Rohit Chugh And Others

Respondent :- State Of U.P. Thru. Secy. Home, Civil Sectt. Lko. And Others

Counsel for Petitioner :- Kapil Misra

Counsel for Respondent :- G.A.,Shiv Sharan Singh

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Heard learned counsel for the petitioners, learned A.G.A. for the State/respondents and perused the material placed on record.

Under challenge in this petition is the First Information Report dated 10.11.2022, registered as F.I.R./Case Crime No.0732/2022, under Sections 323, 498-A, 504 I.P.C. and Section 3/4 of the D.P. Act, at Police Station - Gomtinagar, District - Lucknow.

This Court has perused the report submitted by the Mediation and Conciliation Center dated 09.10.2023. Mediation has failed between the parties.

Learned counsel for the petitioners has submitted that all the sections invoked against the petitioners carry a maximum punishment up to 07 years, therefore, he prays for issuing a direction to the police authorities to follow the mandate of Section 41A, Cr.P.C. for the reason that the offences mentioned in the impugned First Information Report carry the sentence of upto 7 years of imprisonment.

Accordingly, we **dispose of** this petition with the direction to the police authorities concerned to follow the mandate of Section 41A Cr.P.C. and also the directions issued by the Hon'ble Supreme Court in the case of ***Arnesh Kumar Vs. State of Bihar, reported in (2014) 8 SCC 273.***

Order Date :- 22.11.2023

ML/-