

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 1643 of 2023

Petitioner :- Ajeet Kumar Jain And Others

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

Counsel for Petitioner :- Satish Kumar Misra, Dr. Mohd. Kamran

Counsel for Respondent :- G.A., Prabh Jot Kaur

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Heard learned counsel for the petitioners and learned A.G.A. for the State.

This Court by its earlier order dated 28.02.2023 had sent the matter for mediation.

The Mediation and Conciliation Centre of this Court has sent its report dated 11.08.2023.

This Court has perused the report dated 11.08.2023. The mediation between the parties have failed.

This Court has gone through the contents of the F.I.R. and finds that all the Sections invoked against the petitioners carry a punishment upto seven years and, therefore, petitioners are entitled for the benefit of the judgement rendered by Hon'ble Supreme Court in the case of *Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273.

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 :- 28.11.2023

Rahul