

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 4370 of 2023

Petitioner :- Raj Kumar Nishad And Others

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

Counsel for Petitioner :- Sanjay Kumar Pandey, Umeshwar Pratap Pandey

Counsel for Respondent :- G.A.

Hon'ble Manish Mathur, J.

Hon'ble Umesh Chandra Sharma, J.

Heard learned counsel for the petitioners, learned A.G.A. for opposite parties 1 and 2 and perused the record.

In view of order being passed, notice to opposite party no.3 is dispensed with.

Since the point involved in the present writ petition is trivial in nature, the writ petition is being heard and decided at the admission stage.

Notice to respondent no.3 is dispensed with.

This petition seeks issuance of a direction in the nature of Certiorari quashing the impugned F.I.R. bearing no.250 of 2023 under Sections 323, 504, 506 I.P.C. and Section 3(1) (Da) and 3(1) (Dha) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amended 2015), at Police Station, Nawabganj, District Gonda.

Learned Additional Government Advocate appearing for respondent-State has given a statement on behalf of investigating agency that because the offence allegedly committed by the petitioners entails sentence of less than seven years, provisions of Section 41-A Cr.P.C. shall be strictly followed in terms of judgment rendered by Hon'ble Supreme Court of India in ***Arnesh Kumar vs. State of Bihar and another*** reported in ***(2014) 8 SCC 273***.

Considering the stand of the investigating agency, learned counsel for the petitioners states that let this petition be disposed of in view of the above said facts.

Accordingly, this petition is disposed of in view of the provisions of Section 41-A Cr.P.C. and the law as laid down by Apex Court in the case of ***Arnesh Kumar (supra)***.

Order Date :- 2.6.2023

kvg/-