

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 4423 of 2023

Petitioner :- Dinesh Kumar Yadav

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

Counsel for Petitioner :- Krishna Kumar Singh, Anshu Singh, Kripa Shankar Yadav

Counsel for Respondent :- G.A., Pradyumn Shukla, Qasim Abbas Zaidi

Hon'ble Rajnish Kumar, J.

Hon'ble Umesh Chandra Sharma, J.

Heard learned counsel for the petitioner, learned AGA and perused the records.

This writ petition has been filed with the prayer to quash the First Information Report registered as Case Crime No.0165/2023, under sections 323, 504, 506, 384 I.P.C. and Section 7/13 of Prevention of Corruption Act, Police Station-Sarojani Nagar, District Lucknow and with a prayer not to arrest the petitioner in pursuance of the impugned FIR.

Submission of learned counsel for the petitioner is that the petitioner has been falsely implicated in the case though the petitioner is entitled for benefit of Section 41-A of Cr.P.C. because the offences alleged in the FIR carry punishment below seven years, but without following the same the Police is trying to arrest the petitioner.

Learned AGA submits that though the offences under Sections 323, 504, 506, 384 IPC has punishment below seven years, but the offence under Section 7 read with section 13 of the

Prevention of Corruption Act, 1988 has punishment upto ten years, therefore, the contention of learned counsel for the petitioner is misconceived. He further submits that even after knowing about the notice under Section 41 of the Cr.P.C., through the order dated 15.05.2023 passed in Criminal Misc. Anticipatory Bail Application No.3980 of 2023, even if it was not in his knowledge prior to it, the same has not been complied by the petitioner.

Learned counsel for the petitioner at this stage submits that the writ petition may be dismissed as not pressed with the liberty to avail the appropriate remedy of bail. No objection to the same is raised by learned AGA.

The writ petition is, accordingly, **dismissed as not pressed**, with liberty as aforesaid.

Order Date :- 7.6.2023

Arnima