Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 4446 of 2023

Petitioner :- Aryan And Ors.
Respondent :- State Of U.P. Thru Secy. Home Deptt. Lko And Ors.
Counsel for Petitioner :- Mohd. Salman,Mukhtar Ahamad
Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed,J.
Hon'ble Umesh Chandra Sharma,J.

1. Heard Shri Mohd. Salman, the learned counsel for the petitioners and Shri Dinesh Singh Rana, the learned A.G.A for the State.

2. The petitioners in the present writ petition are seeking quashing of the First Information Report dated 18.05.2023 registered as F.I.R. No. 0277 of 2023, under Sections 452, 323, 504, 506 I.P.C. registered at Police Station Gangaghat, District Unnao with all its consequential effects and with a further prayer, not to arrest the petitioners in pursuance of the said First Information Report.

3. Learned A.G.A. for the State submits that the offences allegedly committed entail a sentence up to seven years. In such circumstances, the investigating officer shall ensure compliance of provisions of Section 41 and Section 41-A of the Code of Criminal Procedure as provided by Hon'ble Supreme Court of India in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273**.

4. Learned counsel for the petitioners prays that the present writ petition may be disposed of while giving direction in terms of judgment rendered by Hon'ble Supreme Court of India in **Arnesh Kumar's case (supra)**.

5. After considering the arguments as advanced by the learned counsel for the parties, we hereby direct that the investigating officer of the case before taking any action against the petitioners shall ensure compliance of provisions of Section 41 and Section 41-A of the Code of Criminal Procedure as provided by Hon'ble Supreme Court of India in **Arnesh Kumar's case (supra)**.

6. With the above observation/ direction, the present writ petition is finally **disposed of**.

Order Date :- 8.6.2023
Mustaqeem

Digitally signed by :-
MOHD MUSTAQEEM KHAN
High Court of Judicature at Allahabad,
Lucknow Bench