

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 4471 of 2023

Petitioner :- Ziyauddin @ Dukkhi And 3 Others

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Home Civil Sectr. Lko. And 4 Others

Counsel for Petitioner :- Abdul Alim Khan

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed,J.

Hon'ble Umesh Chandra Sharma,J.

1. Heard Shri Abdul Alim Khan, the learned counsel for the petitioners and Shri Pawan Kumar Mishra, 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 03.06.2023 registered as Case Crime / F.I.R. No. 184 of 2023, under Sections 323, 406, 498-A, 506 I.P.C., Section 3/4 Dowry Prohibition Act, 1961 and Section 3/4 Muslim Women (Protection of Rights On Marriage) Act, 2019, registered at Police Station Huzurpur, District Baharaich 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 :- 9.6.2023
S.Verma