

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 4773 of 2023

Petitioner :- Dharmendra @ Dharmendra Dhangar And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Home Lko. And 3 Others

Counsel for Petitioner :- Amit Kumar Pathak, Shyamji Dixit

Counsel for Respondent :- G.A.

Hon'ble Dinesh Kumar Singh, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard learned counsel for the petitioners and Sri Pawan Kumar Mishra, learned Additional Government Advocate for the State.

2. The present writ petition under Article 226 of the Constitution of India has been filed seeking following reliefs:

"(i) To issue a writ, order or direction in the nature of Certiorari quashing the impugned First Information Report dated 02.05.2023 lodged by the opp. party no. 4 against the petitioners as Case Crime No. 0224/2023, under Section 323, 504 IPC & Section 3(1)(Da) & 3(1)(Gha) of S.C./S.T. Act, Police Station Ramkot, District-Sitapur.

(ii) To issue a writ, order or direction in the nature of Mandamus commanding the opposite party no.2 & 3 not to arrest the petitioners in pursuance of the impugned first information report dated 02.05.2023 lodged by the opp. party no. 4 against the petitioners as Case Crime No. 0224/2023, under Section 323, 504 I.P.C. & Section 3(1)(Gha) of S.C./S.T. Act, at Police Station Ramkot, District- Sitapur, in the interest of justice.

(iii)

(iv)"

3. After some argument, learned counsel for the petitioners submits that he would not like to press this petition on merit. However, the petitioners may be granted some time to surrender before the Trial Court and apply for regular bail which may be considered in accordance with law keeping in mind the judgment of Hon'ble Supreme Court rendered in the case of **Satender Kumar Antil vs Central Bureau of Investigation & Ors: SLP(Crl) No.5191 of 2021.**

4. Considering the aforesaid submission, this petition is

disposed of with liberty to the petitioners to surrender before the trial Court within a period of ten days from today and apply for regular bail. In case the petitioners apply for bail within ten days from today, their application for regular bail should be considered expeditiously by the trial Court considering the fact that the offences for which the petitioners have been implicated, entail sentence up to seven years.

5. For a period of ten days from today, the petitioners shall not be arrested in relation to the F.I.R. in question.

(Syed Qamar Hasan Rizvi, J.) (Dinesh Kumar Singh, J.)

Order Date :- 22.6.2023

Abhishek Gupta