

Court No. - 2

Case :- CRIMINAL MISC. WRIT PETITION No. - 4850 of 2023

Petitioner :- Vipin Kumar Yadav @ Surjeet Yadav Thru. Brother Lalit Kumar And 2 Others

Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt. Civil Secrett. Lko. And 2 Others

Counsel for Petitioner :- Alok Srivastava

Counsel for Respondent :- G.A.

Hon'ble Rajan Roy,J.

Hon'ble Syed Qamar Hasan Rizvi,J.

Heard.

By means of this petition, the petitioners have sought quashing of F.I.R. dated 09.06.2023 bearing Case Crime No.268/2023 for the offence under Sections-354, 354 (Gha), 506 I.P.C. registered at Police Station-Wazirganj, District-Gonda.

After arguing the matter at length, learned counsel for the petitioners confines his prayer to protection prescribed under Section 41-A Cr.P.C.

The said protection is statutorily available in cases where the sentence regarding an offence is of seven or less than seven years, therefore, the police is obliged to extend the benefit of the said provision wherever attracted and no specific direction is required.

If during investigation any other section is added then the law will take its course, meaning thereby, if the provisions contained in Section 41 or 41-A are not attracted to the said offence/ section, then it shall be open for the police to proceed accordingly.

Accordingly, the writ petition is **disposed of**.

(Syed Qamar Hasan Rizvi,J.) (Rajan Roy,J.)

Order Date :- 23.6.2023

Shanu/-