

Court No. - 2

Case :- CRIMINAL MISC. WRIT PETITION No. - 4871 of 2023

Petitioner :- Virendra Kumar

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

Counsel for Petitioner :- Vimlesh Kumar Kashyap

Counsel for Respondent :- G.A.

Hon'ble Rajan Roy,J.

Hon'ble Syed Qamar Hasan Rizvi,J.

Heard learned counsel for the petitioner and learned A.G.A. for the State.

The challenge herein is to a First Information Report dated 16.06.2023 bearing Case Crime No. 0171 of 2023 alleging commission of an offence by the petitioner under Sections 409, 419, 420, 467, 468 & 471 I.P.C. registered at Police Station - Sidhauri, District - Sitapur.

Considering the contents of the First Information Report impugned herein, it can not be said at this stage that no cognizable offence is made out against the petitioner. So far as, stay of arrest is concerned, the petitioner may avail the remedy under Section 438 Cr.P.C. or such other provisions as may be attracted. Therefore, leaving the factual issues open for investigation, we are not inclined to interfere in the matter.

Accordingly, the writ petition is **dismissed** however without prejudice to the rights of the petitioner to avail other remedies such as under Section 438 Cr.P.C. etc.

Order Date :- 23.6.2023

Lokesh Kumar