

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 5129 of 2023

Petitioner :- Saif Ahmad Khan And Others

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

Counsel for Petitioner :- Shakeel Ahmad Jamal, Vikas Chandra Dwivedi

Counsel for Respondent :- G.A., Anoop Verma

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

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

This petition has been filed with the following main prayer:-

"issue a writ order or direction in the nature of certiorari quashing the FIR registered against the petitioners by the opposite party no.4, at case rime no-0747 under Sections 498-A/323/342/504/506 IPC, And Section 3/4 D.P. Act, P.S. Kotwali District Barabanki on dated 29.06.2023, in pursuance of FIR contained as Annexure No.1"

Learned counsel for the petitioners has pointed out the report dated 18.09.2023 sent by the Mediation and Conciliation Centre of this Court.

It appears that mediation has failed between the parties.

Learned counsel for the petitioner says that charge sheet has not yet been filed in the case.

This Court has perused the F.I.R. and finds that all the Sections invoked against the petitioners carry a punishment of upto seven years and, therefore, the petitioners are entitled for the benefit of the judgement rendered by Hon'ble Supreme Court in the case of *Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273.

Accordingly, we ***dispose of*** this petition with the direction to the police authorities concerned to follow the mandate of Section 41A Cr.P.C. and also the directions issued by the Hon'ble Supreme Court in the case of ***Arnesh Kumar Vs. State of Bihar, reported in (2014) 8 SCC 273.***

Order Date :- 8.12.2023

Rahul