

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7559 of 2023

Petitioner :- Deepak Kumar And Others

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

Counsel for Petitioner :- Ambrish Kumar Dwivedi

Counsel for Respondent :- G.A.,Gyanendra Pathak

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Karunesh Singh Pawar,J.

1. Heard learned counsel for the petitioners, learned A.G.A. for State-respondents.
2. In compliance of earlier order passed by this Court, respondent No.4-Smt. Moni Dwivedi is present before this Court, who has come along with Ms. Subha Tripathi, Lady Constable, Police Station-Gosaiganj, District Lucknow. She is being represented by Sri Sourabh Rastogi, Advocate, who has filed power on behalf of the respondent No.4, which is taken on record.
3. The petitioner No.1-Deepak Kumar is also present in person, who has been identified by his counsel.
4. Learned counsel for opposite party No.4 had informed this Court that he had tried to explain the matter to the opposite party No.4.
5. We put up a query to the opposite party No.4 as to whether she is willing to try and settle the dispute through mediation, she expressed her unwillingness to do the same. This Court has perused the F.I.R. and finds that the cognizable offence to be made out.
6. We have perused the F.I.R. and find that all the sections invoked against the petitioners are upto 7 years and therefore, the petitioners are entitled to the judgment rendered by the Hon'ble Supreme Court in the case of **Arnesh Kumar Vs. State of Bihar, reported in (2014)**

8 SCC 273.

7. With these observations, the writ petition is disposed of.

Order Date :- 18.10.2023

Saurabh Yadav/-