

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7816 of 2023

Petitioner :- Devendra Yadav

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

Counsel for Petitioner :- Anurag Misra,Himanshu Vikram Singh

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

1. Heard learned counsel for the petitioner, learned A.G.A. who appears on behalf of the State Respondents and Sri Surendra Kumar Verma, Advocate who has filed his vakalatnama on behalf of the Opposite Party No. 4, which is taken on record.

2. This petition has been filed with the following main prayers:-

"(i) issue a writ, order or direction in the nature of Certiorari quashing the impugned First Information Report Dated 24.09.2023 registered No.0284/2023 under in section Case Crime 354 (gha), 336,506, IPC and Section 30 of Arms Act P.S.-Aliganj, District -Lucknow. (Annexure No.1).

(ii) issue a writ, order or direction in the nature of Mandamus directing the opposite party nos. 1 to 3 not to arrest the petitioner in First Information Report 24.09.2023 registered No.0284/2023 under in Case Crime section 354 (gha), 336,506, IPC and Section 30 of Arms Act P.S.-Aliganj, District -Lucknow (Annexure No.1)."

3. It has been submitted by the learned counsel for the petitioner that all the Sections invoked against the petitioner in the impugned First Information Report carry the sentence of upto 7 years of imprisonment, and therefore, he is entitled to the benefit of the judgement rendered by the Hon'ble Supreme Court in the case of ***Arnesh Kumar Vs. State of Bihar***, reported in ***(2014) 8 SCC 273***.

4. Sri Surendra Kumar Verma, learned counsel for the opposite party no. 4 has stated that the opposite party no. 4 is present in Court. She has admitted to a compromise having been entered

into between the parties and an application in this regard having been filed by the opposite party no.4.

5. This writ petition is ***disposed of*** with a direction to the petitioner and the opposite party no. 4 to approach the Investigating Officer who shall take an appropriate decision in the matter strictly in accordance with law..

Order Date :- 10.10.2023

Darpan Sharma