

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7973 of 2023

Petitioner :- Ram Baran Singh And Another

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

Counsel for Petitioner :- Ramendra Kumar Misra

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Karunesh Singh Pawar,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:-

"A writ, order or direction in the nature of certiorari thereby quashing the notice dated 04.10.2023 served by Kapil Kumar S.I. Police Station- Jagatpur, District- Raebareli as contained in Annexure No.6 to this writ petition."

It has been submitted by the learned counsel for the petitioners that initially an F.I.R. was lodged under Sections 353, 427, 504 and 506 of the I.P.C. read with Section 3(1) (da) & (gha) of the S.C./S.T. Act. The petitioners approached this Court and this Court was pleased to grant 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*.

Now the petitioner has received a notice by the Sub Inspector, Police Station Jagatpur, Raebareli, saying that he is the Investigating Officer in Case Crime No.0187 of 2023, and F.I.R. lodged under Sections 353, 427, 504 and 506 of the I.P.C. and that the petitioner should submit his statement before him on 06.10.2023.

It has been submitted that F.I.R. was lodged under various sections of the S.C./S.T. Act and only the Circle Officer is authorized to conduct the investigation.

Learned A.G.A., on the other hand, has pointed out

that perhaps various Sections of the S.C./S.T. Act have been deleted, during the course of investigation, by the Circle Officer, and since the investigation is now being carried only under Sections 353, 427, 504 and 506 of the I.P.C., therefore, the Sub Inspector concerned has rightly issued the notice.

This Court finds no good ground to show interference in the impugned notice.

The writ petition is entirely misconceived. It is accordingly ***dismissed***.

Order Date :- 13.10.2023

Rahul