

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8081 of 2023

Petitioner :- Mohd. Mujtaba

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

Counsel for Petitioner :- Javed Khan, Ajmal Khan

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Karunesh Singh Pawar, J.

Heard learned counsel for the petitioner and learned AGA for the State.

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

Issue a writ, order or direction in the nature of Certiorari quashing the impugned F.I.R. dated 23/06/2023 vide Case Crime No.- 381/2023, under section-419, 420, 406, 465 I.P.C.. Police Station-Kotwali City, District-Pratapgarh, against the petitioner. (contained as Annexure No.-1)

It has been submitted by the learned counsel for the petitioner that all the sections invoked against the petitioner carry a punishment of up to seven years and therefore, is entitled to the benefit of the judgment rendered by the Supreme Court in the case of "**Arnesh Kumar Vs. State of Bihar, reported in (2014) 8 SCC 273**".

Learned AGA has produced the instructions sent by Sub Inspector Vinay Kumar Singh, P.S. Kotwali Nagar, Pratapgarh wherein it has been stated that charge sheet No. 513/2023 dated 15.09.2023 has been prepared in the matter.

Instruction provided by the learned AGA is taken on record.

This Court finds no good ground to provide the benefit of the judgment as cited by the petitioner.

The petition is **dismissed** as having become infructuous.

Order Date :- 18.10.2023

R.C.