

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8103 of 2023

Petitioner :- Sujat Umar Alias Jahin Miyan Alias Jaheer Ahmad And Others

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

Counsel for Petitioner :- Salil Kumar Srivastava, Gyaneshwar Prasad Pandey

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Karunesh Singh Pawar, J.

1. Sri Brihaspati Mani Pathak has filed his vakalatnama on behalf of respondent Nos.4 and 5, the same is taken on record.

2. Heard learned counsel for the petitioners, learned A.G.A. for the State-respondents as well as learned counsel for respondent Nos.4 and 5.

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

"(I) to issue a writ direction or order in the nature of certiorari quashing the impugned FIR pertaining to Case Crime/FIR No. 0011/2023 for the offences U/s 420/506 IPC P.S. Chowk, District Lucknow, so far as it relates to the present petitioners, as contained in Annexure No. 1 to this writ petition, in order to meet the ends of justice.

ii) to issue a writ direction or order in the nature of mandamus commanding the opposite party no. 3 not to arrest the present petitioners in pursuance of the impugned FIR, as contained in Annexure No. 1 to this writ petition."

4. It has been submitted by learned counsel for the petitioners that a compromise has occurred between the petitioners and opposite party No.5.

5. Learned counsel for opposite party Nos.4 & 5 does not

dispute this contention.

6. This Court is of the opinion that all the sections invoked against the petitioners carried out punishment up to seven years and, therefore, the police is bound to follow the provisions of Section 41-A Cr.P.C. The petitioners may show their settlement compromise that has occurred between the parties to the Investigating Officer in reply to the notice he will send to them.

7. Accordingly, the writ petition is disposed of.

Order Date :- 18.10.2023

Saurabh Yadav/-