

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 8312 of 2023

Petitioner :- Alok Kumar Srivastava And Others

Respondent :- State Of U.P. Thru. Prin. Secy. Crl Sectt. Govt. U.P. Lucknow And Others

Counsel for Petitioner :- Aditya Pandey, Daya Shankar Tiwari

Counsel for Respondent :- G.A.

Hon'ble Rajan Roy, J.

Hon'ble Ajai Kumar Srivastava-I, J.

Heard learned counsel for petitioners and learned A.G.A. for the State.

By means of this writ petition, the petitioners have sought quashing of First Information Report bearing Case Crime No. 0155 of 2022, under Sections 406/420 IPC, Police Station- Husainganj, District- Lucknow.

After arguing the matter at length, learned counsel for petitioners confines his prayer to protection prescribed under Section 41-A Cr.P.C.

The said protection is statutorily available in cases where the sentence regarding an offence is of seven or less than seven years, therefore, the police is obliged to extend the benefit of the said provision wherever attracted and no specific direction is required.

If during investigation any other section is added then the law will take its own course, meaning thereby, if the provisions contained in Section 41 or 41-A are not attracted to the said offence/section, then, it shall be open for the police to proceed accordingly.

With the aforesaid observations, the writ petition is **disposed of.**

(Ajai Kumar Srivastava-I, J.) (Rajan Roy, J.)

Order Date :- 28.10.2023

Gurpreet Singh