

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8308 of 2023

Petitioner :- Virendra Kumar

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

Counsel for Petitioner :- Pankaj Kumar Mishra, Amit
Kumar Pandey

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Heard learned counsel for the petitioner, learned AGA who appears on behalf of State-respondents and perused the record.

This writ petition has been filed with a prayer to issue a writ, order or direction in the nature of Certiorari for quashing of the First Information Report dated 12.9.2023 registered as FIR No. 0236 of 2023 under Sections 447 IPC and Section 2/3 of Prevention of Damages to Public Property Act, 1984, P.S. Jahangirganj, District Ambedkar Nagar and for a direction to the respondents not to arrest the petitioner pursuant to the impugned FIR.

Learned counsel for the petitioner has pointed out the order dated 28.10.2023 passed by a Division Bench of this Court.

Learned AGA has produced written instructions before this Court sent by Sri Bhawani Prasad Mishra, Sub Inspector, P.S. Jahangirganj, District Ambedkar Nagar wherein it has been stated that charge sheet no. 226 of 2023 dated 14.10.2023 has been sent to the Circle Officer.

This Court, vide its order dated 28.10.2023, had given benefit of Section 41-A of Cr.P.C. to the petitioner because it was not informed that the charge sheet has already been submitted on 14.10.2023. Since the investigation has been completed and charge sheet has been submitted, prima facie, some evidences have been found against the petitioner which is subject to evaluation of the trial court.

In view of the aforesaid, this court finds no good ground to interfere in the impugned FIR and accordingly, the present writ petition is **dismissed**.

Order Date :- 8.11.2023

AKK