

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 8321 of 2023

Petitioner :- Seeta Devi @ Kiran Devi (In Fir Kiran @ Seeta Devi) And Another

Respondent :- State Of U.P. Thru. Secy. Deptt. Of Home Affairs Civil Sectr. Lko. And Others

Counsel for Petitioner :- M.K. Singh Bhardwaj

Counsel for Respondent :- G.A.

Hon'ble Rajan Roy,J.

Hon'ble Ajai Kumar Srivastava-I,J.

Heard.

By means of this petition, the petitioners have sought quashing of F.I.R. dated 27.07.2023 bearing case Crime No.159 of 2023 for the offence under Sections 354 (ka), 354 (kha), 323, 504, 506 I.P.C. and Section 3 (1) (Da), 3 (1) (Dha), 3(2)(va) of SC/ST Act registered at Police Station Sangramgarh, District-Pratapgarh.

After arguing the matter at length, learned counsel for the 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.

Accordingly, the writ petition is ***disposed of***.

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

Order Date :- 28.10.2023

Mahesh