

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8522 of 2023

Petitioner :- Radha Alias Radha Rawat And Others

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

Counsel for Petitioner :- Vineet Kumar Pandey, Dharmendra Singh

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Heard learned counsel for the petitioners, 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 impugned FIR dated 4.9.2023 registered as Case Crime No. 457 of 2023 under Sections 147, 323, 504, 506 and 427 IPC, P.S. Madiyaon, District Lucknow and for a direction to the respondents not to arrest the petitioners pursuant to the impugned FIR.

Learned counsel for the petitioners has pointed out earlier order passed by this Court on 6.11.2023.

Learned AGA has produced before this Court a copy of the written instructions dated 20.11.2023 sent by Sri Safat Ullah, Sub Inspector P.S. Madiyaon, District Lucknow from which it is evident that earlier petitioner no. 1-Radha Rawat had lodged FIR No.453 of 2023 under Sections 147, 323, 504, 506, 342, 354, 379 IPC and various sections of SC/ST Act against Nidesh Kumar Verma and others. Later on FIR No. 457 of 2023 under Sections 147, 323, 504, 506, 342, 354, 379 IPC has been lodged by the respondent no. 4.

This Court had granted interim protection to the petitioners.

This Court from the perusal of the impugned FIR and the said instructions finds that the matter can be disposed of directing the S.H.O. concerned to get both the FIRs investigated by the Investigating Officer.

Accordingly, this writ petition is **disposed of** with a direction to the Investigating Officer to follow the mandate

of law settled by the Hon'ble Supreme Court in the case of **Arnesh Kumar Vs. State of Bihar, reported in (2014) 8 SCC 273** by conducting the investigation.

The said instructions are kept on record.

Order Date :- 28.11.2023

AKK