

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8800 of 2023

Petitioner :- Jai Singh And Others

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

Counsel for Petitioner :- Arun Kumar Tripathi, Udai Bhan Pandey

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

1. Power filed by Shri Akhilesh Pandey, Advocate on behalf of respondent no.4 is taken on record.
2. Under challenge in this writ petition is the First Information Report dated 01.11.2023, lodged as F.I.R. No.0247 of 2023, under Sections - 308, 323, 504, 506 of the I.P.C. at P.S.- Jethwara, District- Pratapgarh.
3. Heard learned counsel for the petitioner, learned A.G.A for the State-respondents and Shri Akhilesh Pandey, learned counsel for respondent no.4 and perused the record.
4. It has been submitted by learned counsel for the petitioner that initially an application under Section 156(3) of the Cr.P.C. was filed, which was dismissed for want of prosecution then again another application under Section 156(3) of the Cr.P.C. was filed with the same allegations which were entertained and the impugned FIR has been lodged.
5. Learned counsel for the respondent no.4 has pointed out that the accused in the cross case had approached this Court in Criminal Misc. Writ Petition No.6697 of 2023; *Chandrabhan Singh vs. State of U.P. and ors.* where this Court vide order dated 25.08.2023 had dismissed the writ petition.
4. We have perused the impugned FIR and it appears that altercation did take place and there were two cases lodged by both sides. This Court finds no good ground to grant the prayers as made in the writ petition, however since all the offences that are now being invoked against the petitioner carry a sentence of upto 7 years of imprisonment, the Investigating Officer is directed to follow the mandate of Section 41A Cr.P.C. and also

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

6. The writ petition is accordingly **disposed of**.

Order Date :- 9.11.2023

Arnima