

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8828 of 2023

Petitioner :- Anoop Mishra Alias Anoop Kumar Mishra And Others

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

Counsel for Petitioner :- Mohammad Aziz Mansuri, Aas Mohammad Ansari, Deepak Kumar Sharma

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Mrs. Jyotsna Sharma,J.

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

This petition has been filed with the following main prayer:-

"issue a writ, order or direction in the nature of certiorari to quash the F.I.R. No.0658/2023, U/s 504/506 I.P.C. Police Station- Kotwali, District- Sitapur, as contained in Annexure No.1."

It has been submitted by learned counsel for the petitioners that petitioner no.1 is a journalist and has been writing news articles against several anti-social elements belonging to his city. He has also written against the Police Officers colluding with such anti-social elements. Copies of such newspaper cuttings have been filed as annexure to the petition. It has further been submitted by learned counsel for the petitioners that petitioner no.2 is wife of the petitioner no.1 and the petitioner no.3 is his son.

This Courts has perused the contents of the F.I.R. and finds no good ground to show interference, however it finds that all the Sections invoked against the petitioners carry a punishment upto seven years and, therefore, the petitioners are entitled for the benefit of the judgement rendered by Hon'ble Supreme Court in the case of *Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273.

Accordingly, we ***dispose of*** this petition with a direction to the Investigating Officer concerned 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.***

Order Date :- 18.11.2023

Rahul