

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8997 of 2023

Petitioner :- Mohammad Kayyum And Others

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

Counsel for Petitioner :- Suresh Kumar Yadav

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Heard learned counsel for the **petitioners** and learned A.G.A. for the State and perused the record.

This petition has been filed praying the following reliefs:-

(a) Issue a writ, order or direction in the nature of certiorari thereby quashing the impugned first information report dated 14.11.2023 vide case crime no. 321 of 2023 under Section 147, 308, 323, 504, 506 IP.C. and Section 3 (1) (da), 3 (1) (dha), 3 (2) (Va) of the S.C./S.T. Act lodged at Police Station- Jahangiragabad, District- Barabanki.

(b) Issue a writ, order or direction in the nature of mandamus commanding the opposite party no 3 not to harass, detain or prosecute the petitioner in pursuance of the impugned F.I.R.

Learned A.G.A. has produced before this court the medical examination report and also the instructions sent by Circle Officer and from the same it appears that there is lacerated wound on one of the injured, however after treatment they have been discharged from the hospital.

Learned counsel for the petitioners submitted that the offences mentioned in the impugned First Information Report carry the sentence of upto 7 years of imprisonment and therefore, the petitioners are entitled to get the benefit of 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.***

Accordingly, we **dispose of** this petition with the direction to the police authorities concerned to follow the mandate of Section 41A Cr.PC. 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 :- 7.12.2023

Anuj Singh