

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8968 of 2023

Petitioner :- Arun Kumar Yadav And Others

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

Counsel for Petitioner :- Vijay Kumar,Vivek Kumar

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.

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

"Issue a writ, order or direction in the nature of Certiorari quashing the impugned First Information Report registered at Case Crime No.0235/2023, Under Sections 354, 354k, 323, 504 and 506 Indian Penal Code, Police Station Manikpur District Pratapgarh dated 31.08.2023, as contained in Annexure No.1 to this writ petition."

Learned counsel for the petitioners submits that all the Sections invoked against 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*.

It has been submitted by learned counsel for the petitioners that impugned F.I.R. has been lodged due to election enmity between the parties. The Police have also initiated proceedings under Sections 107/116/151 Cr.P.C. on 27.08.2023, a copy of which has been filed as annexure-2 to the writ petition. The impugned F.I.R. has been lodged only to harass the petitioners.

This petition is ***disposed of*** with a direction to the police authorities 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 :- 23.11.2023

Rahul