

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9244 of 2023

Petitioner :- Rahat Quddusi And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Home Govt. Lko. And Others

Counsel for Petitioner :- Mahmood Alam, Mohd. Shahanshah Newaz Khan

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

(1) Heard learned counsel for the petitioner, learned A.G.A for the State and perused the record. Shri Nivas Rathore, Advocate, has filed his Power on behalf of the complainant, which is taken on record.

(2) Under challenge in this petition is the First Information Report dated 22.11.2023 lodged at F.I.R. No.340 of 2023, under Sections 342, 504, 506 I.P.C. read with Section 3 (1) (S), 3 (2) (VA) Scheduled Caste and Scheduled Tribe (Protection of Atrocities) Act, 1989, at P.S. Hazratganj, District Lucknow.

(3) Learned counsel for the petitioner confines his prayer for issuing direction to the police authorities to follow the mandate of Section 41A Cr.P.C. for the reason that the offences mentioned in the impugned First Information Report carry the sentence of upto 7 years of imprisonment.

(4) Accordingly, we ***dispose of*** this petition with the 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 :- 6.12.2023

N.PAL