

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9293 of 2023

Petitioner :- Amit Pal

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

Counsel for Petitioner :- Shankar Lal Pandey

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

1. Heard learned counsel for the petitioner and learned A.G.A. who appears on behalf of the State Respondents.

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

"i) Issue writ order in nature of certiorari for quashing the impugned first information report dated 12.10.2023 lodged by opposite party no.4 under section 406, 420, 504 & 506 IPC in Case Crime/FIR No. 0436/2023, PS-Gajipur, District Lucknow, contained as annexure no.1 in respect of petitioner, in the interest of justice.

ii) Issue writ order in nature of mandamus commanding to opposite party no.2 & 3 that on the basis of impugned first information report they not arrest the petitioner, in the interest of justice."

3. It has been submitted by learned counsel for the petitioner that all the Sections invoked against the petitioner in the impugned F.I.R. carry the sentence of upto 7 years of imprisonment and therefore the petitioner is entitled for the benefit of the judgement rendered by the Supreme Court in the case of **Arnesh Kumar Vs. State of Bihar**, reported in **(2014) 8 SCC 273**.

4. Learned A.G.A. for the State Respondents has produced before this Court sent by the Sub-Inspector of Police, Police Station- Gazipur, District Lucknow wherein it has been stated that notices were issued to Amit Pal, Anoop Srivastava, Brijesh Rawat, Prashant Srivastava and other accused for getting their statements recorded, however, they have not cooperated in the investigation.

5. The writ petition is ***disposed of*** with a direction to the petitioner to approach the Sub-Inspector concerned, Police Station- Gazipur, District- Lucknow on 09.12.2023 in between 10 AM to 02 PM. The petitioner's statement shall be recorded by the Investigating Officer and shall take appropriate steps as soon as possible, thereafter.

6. For a period of 10 days, the petitioner shall not be arrested in pursuance of the impugned F.I.R. subject of his cooperation in the investigation.

Order Date :- 7.12.2023

Darpan Sharma