

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9307 of 2023

Petitioner :- Shamshul Hak And Others

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

Counsel for Petitioner :- Mohammad Aziz Mansuri

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Heard learned counsel for the petitioners, learned A.G.A. for the State/respondents and perused the material placed on record.

Under challenge in this petition is the First Information Report dated 27.11.2023, registered as F.I.R./Case Crime No.0152/2023, under Sections 323, 504, 498-A I.P.C. and Section 3/4 of the D.P. Act, at Police Station - Kaiserbagh, District - Lucknow Madhya, (Commissionerate of Lucknow).

Learned counsel for the petitioners has submitted that all the sections invoked against the petitioners carry maximum punishment up to 07 years, therefore, the petitioners are entitled to the benefit of the judgment rendered by Hon'ble Supreme Court in the case of ***Arnesh Kumar Vs. State of Bihar, reported in (2014) 8 SCC 273.*** Learned counsel for the petitioners further submitted that petitioner No.2 is minor but he has been falsely implicated in the case.

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.*** In case the petitioner No.2 is minor, the parents/guardian of petitioner No.2 shall show such evidence/document to the Investigating Officer concerned, who shall thereafter produce petitioner No.2 before the Juvenile Justice Board concerned for appropriate orders to be passed.

Order Date :- 8.12.2023

ML/-