

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9428 of 2023

Petitioner :- Abhishek Verma And Another

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

Counsel for Petitioner :- Piyush Shrivastava, Sanjeev Kumar Singh

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

1. Heard learned counsel for the petitioners, learned A.G.A. for the State/respondent, Ms. Suchita Singh, Advocate who has filed the power on behalf of respondent no. 4, which is taken on record, and perused the impugned F.I.R. as well as material brought on record.

2. The instant writ petition has been filed by the petitioners with the following main relief:

"i. Issue a writ, order or direction in the nature of Certiorari, quashing the impugned the impugned FIR dated 28.08.2023 bearing its No.-0332 of 2023, under Sections- 406, 420, 504 and 506 of IPC, Police Station-Gudamba, District- Lucknow, as contained in Annexure no - 2 to this writ petition, in respect of the petitioners.

ii. Issue a writ, order or direction in the nature of Mandamus commanding the opposite parties not to arrest the petitioners in pursuance of the impugned the impugned FIR dated 28.08.2023 bearing its No.-0332 of 2023, under Sections- 406, 420, 504 and 506 of IPC, Police Station-Gudamba, District- Lucknow as contained in Annexure no- 2 to this writ petition, in respect of the petitioners."

3. Learned A.G.A. has pointed out that on perusal of page 17 of paper-book it appears that earlier the petitioners had come before this Court by filing **CRLP No. 6965 of 2023 (Abhishek Verma And Another Vs. State Of U.P. Thru. Prin. Secy. Home Deptt. U.P. Civil Sectt. Lko. And Others)** with an identical prayer challenging the same FIR dated 28.08.2023 registered as FIR No. 0332 of 2023, under Sections 406, 420, 504 and 506 of the I.P.C. at P.S. Gudamba, District- Lucknow which was disposed of by this Court vide order dated

05.09.20223 giving benefit of judgment passed by the Hon'ble Supreme Court in the case of **Arnesh Kumar Vs. State of Bihar**, reported in **(2014) 8 SCC 273**.

4. It has been submitted by learned counsel for the petitioners that now the circumstances have changed and the petitioner and respondent no. 4 have entered into a compromise which has been filed as Annexure No. 4 to the petition.

5. Accordingly, we **dispose of** this petition with the direction to the petitioners to produce the compromise before Investigating Officer concerned who shall take appropriate steps in accordance with law.

6. The compromise which has been filed as Annexure No. 4 to the petition shall be returned to learned counsel for the petitioners by the Registry after retaining the photocopy of the same for record.

Order Date :- 13.12.2023
Mohit Singh/-