

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9440 of 2023

Petitioner :- Suraj Prakash And Another

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

Counsel for Petitioner :- Abhay Pratap Singh, Priyanka Singh

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Heard learned counsel for the petitioner and learned A.G.A. for the State-respondents as well as Ms. Nandani, who has filed vakalatnama on behalf of the opposite party no. 3.

This petition has been filed praying the following reliefs:-

(a) Issue a writ, order or direction in the nature of certiorari thereby quashing the impugned first information report dated 22.8.2023 vide case crime no. 233 of 2023 under Section 419, 420, 467, 468, 471 IP.C., lodged at Police Station- Lonikatra, District- Barabanki.

(b) Issue a writ, order or direction in the nature of mandamus commanding the opposite party no 3 not to harass, detain or prosecute the petitioner in pursuance of the impugned F.I.R.

Learned counsel for the petitioner submitted that the petitioner and opposite party o. 3 have entered into a compromise. One of the co-accused has approached this Court by filing Criminal Misc. Writ Petition No. 7951 of 2023 (Haripal V.s State of U.P. and others), which has been disposed of by this Court vide order dated 13.10.2023 by making observation that the petitioner therein and the opposite party no. 3 has entered into a settlement agreement filed as Annexure to the petition.

Counsel for the petitioner says that that the petitioner is entitled to similar benefit as given to the co-accused- Haripal. She has pointed out page no. 61 of the paper book, which a copy of settlement arrived at between the Haripal and the opposite party no. 3

This Court **dispose of** this writ petition with a direction to the petitioner and the opposite party no. 3 to to file original

settlement agreement before the Investigating Officer, who shall record the statement of both the parties within one week and thereafter take appropriate decision in the matter in accordance with law within three weeks. For a period of four weeks, the **petitioners- Suraj Prakash And Naveen Prakash shall not be arrested in pursuance of the impugned F.I.R.**

Order Date :- 13.12.2023

Anuj Singh