

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9672 of 2023

Petitioner :- Dharm Narayan Mishra And Others

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

Counsel for Petitioner :- Sukh Deo Singh, Paritosh Shukla

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 Respondents and Sri Vijay Kumar Tripathi, Advocate who has filed his power on behalf of the opposite party no. 4, which is taken on record.

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

*"i. Issue a Writ, order or direction in the nature of Certiorari quashing the impugned FIR dated 11/12/2023 lodged by the Respondent No. 4 bearing FIR No. 411/ 2023, U/Ss. 34, 308, 323, 504, 506, 427 IPC, P.S. Lambhua, District- Sultanpur, as contained in **Annexure-1** to this Writ Petition.*

ii. Issue a Writ, order or direction in the nature of Mandamus commanding and directing the Respondents Authorities not to arrest the Petitioners on the basis of the impugned FIR dated 11/12/2023 bearing FIR No. 411/ 2023, U/Ss. 34, 308, 323, 504, 506, 427 IPC, P.S. Lambhua, District- Sultanpur.

*iii. Issue a Writ, order or direction in the nature of Mandamus commanding and directing the Respondents Authorities to comply with directions of Hon'ble Supreme Court in case of **Arnesh Kumar vs State of Bihar, 2014 (8) SCC 273.**"*

3. It has been submitted by learned counsel for the petitioners that all the Sections invoked against the petitioners in the impugned F.I.R. carry the sentence of upto 7 years of imprisonment and therefore the petitioners are 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. Sri Vijay Kumar Tripathi, learned counsel for the opposite party no.4 has produced before this Court Injury Report/Medico Legal Examination Report of the victim which shows Bone Deep Injury on the Right Temporal Region 10Cm. above from Right Ear and one Bone Deep Injury on the Left Side of Temporal Region and at least four other injuries.

5. This Court finds from perusal of the F.I.R. that the cognizable offence is made out against the petitioner, therefore, this Court does not find any good ground to show interference in the impugned F.I.R.

6. The writ petition stands **dismissed**.

Order Date :- 20.12.2023

Darpan Sharma