

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9775 of 2023

Petitioner :- Updesh Lodhi And Others

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

Counsel for Petitioner :- Alok Srivastava

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Karunesh Singh Pawar,J.

Heard learned counsel for the petitioners as well as learned AGA for the State.

The petition has been filed with the following main prayer:-

issue a writ, order or direction in the nature of Certiorari thereby quashing the impugned first information report lodged at F.I.R. No.0133/2023 under sections 147, 148, 149, 332, 353, 352 504, 506 I.P.C. & section 7 Criminal Law Amendment Act at Police Station Dahi petitioners. (Annexure No.1)

Learned counsel for the petitioners submits that all the sections invoked against the petitioners carry a punishment up to seven years and therefore, they are entitled to get the benefit of the judgment of Supreme Court passed in the case of **Arnesh Kumar Vs. State of Bihar, reported in (2014) 8 SCC 273**.

Learned AGA has produced before this Court instructions sent by Sub Inspector Tamijuddin, P.S. Dahi, District Unnao wherein it has been stated that investigation has been concluded and charge sheet has been filed against petitioner nos. 1 to 4, however, investigation against petitioner no. 5 is pending.

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 (supra)** qua petitioner no. 5.

Order Date :- 22.12.2023

R.C.