

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9827 of 2023

Petitioner :- Vinay Singh And Another

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

Counsel for Petitioner :- Mohammad Irfan Siddiqui

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Karunesh Singh Pawar,J.

1. Heard learned counsel for the petitioners and learned A.G.A. for the State-respondent nos.1 to 3.

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

"a) Issue a writ, order or direction in the nature of Certiorari quashing the impugned First Information Report dated 07.12.2023 lodged by opposite party no.3 in Case Crime No. (FIR No.) 700 of 2023, Under Sections-504, 506 I.P.C. at Police Station - Gomti Nagar, District - Lucknow, as well as in the nature of mandamus commanding the opposite party nos. 1 and 2 not to arrest the petitioner in the above case crime, the first information report is being annexed as Annexure no.1 to the writ petition."

3. It has been submitted by learned counsel for the petitioners that all the offences that are now being invoked against the petitioners carry sentence of upto 7 years of imprisonment. Therefore, they are entitled for benefit of judgment rendered by the Hon'ble Supreme Court in the case of **Arnesh Kumar Vs. State of Bihar, reported in (2014) 8 SCC 273.**

4. Learned AGA has produced before this Court instructions sent by Sub-Inspector Sandeep Kumar from police station Gomtinagar, District Lucknow dated 21.12.2023 and the same is taken on record. In the said instructions it has been stated that notice was issued to the petitioners and the Investigating Officer had also gone to their house but the petitioners could not be found and therefore, the statement could not be taken.

5. The writ petition is, accordingly, **disposed of** with a direction to the petitioners to approach the Sub-Inspector Sandeep Kumar from police station Gomtinagar, District Lucknow on 04.01.2024 between 10 a.m. to 2 p.m., whereafter

the Sub-Inspector Sandeep Kumar from police station Gomtinagar, District Lucknow shall then take an appropriate decision in the matter.

6. Till the petitioners- Vinay Singh and Vivek Singh, appear before the Sub-Inspector Sandeep Kumar from police station Gomtinagar, District Lucknow and their statements are recorded under Section 161 Cr.P.C., they shall not be arrested in pursuance of the impugned F.I.R..

Order Date :- 22.12.2023

Arnima