

Court No. - 2

Case :- CRIMINAL MISC. WRIT PETITION No. - 7905 of 2022

Petitioner :- Dasaudi And 3 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Bed Prakash Rai

Counsel for Respondent :- G.A.

Hon'ble Suneet Kumar,J.

Hon'ble Gautam Chowdhary,J.

Heard learned counsel for the petitioner and learned A.G.A. for the State.

The present writ petition has been preferred with the prayer to quash the impugned First Information Report dated 30.4.2022 registered as Case Crime No. 0090 of 2022, under Sections 498A, 323, 504 I.P.C. and 3/4 of D.P. Act, P.S. Saidnagali, District Amroha, and for a direction to the respondents not to arrest the petitioner in pursuance of impugned First Information Report.

The submission is that all alleged offences are punishable with imprisonment of seven years, therefore the police authorities are bound to follow the procedure laid down under Section 41-A Cr.P.C. The petitioner has been wrongly implicated and could not be arrested. Reliance has been placed on the judgement of Apex Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273** and **Social Action Forum for Manav Adhikar Vs. Union of India, Ministry of Law and Justice and others in Writ Petition (Civil) No. 73 of 2015 with Criminal Appeal No. 1265 of 2017 Writ Petition (Criminal) No. 156 of 2017 and co-ordinate Division Bench of this Court in Vimal Kumar & 3 others Vs. State of U.P. & 3 others in 2021 (2) ACR 1147.**

We have gone through the impugned first information report and we are of the opinion that the guidelines framed by the Apex Court in the above noted judgements are equally applicable to the facts of the instant case.

Accordingly, the instant petition also stands disposed of in the light of the judgments as noted above.

Order Date :- 30.6.2022

S.Prakash