

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 858 of 2023

Petitioner :- Mohd. Fattey

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

Counsel for Petitioner :- Rajendra Prasad

Counsel for Respondent :- G.A.

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Om Prakash Shukla,J.

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

Since the point involved in the present writ petition is trivial in nature, the writ petition is being heard and decided at the admission stage.

Notice to the opposite party no. 4 is dispensed with.

This petition seeks issuance of direction in the nature of certiorari for quashing the impugned F.I.R. dated 20.8.2022 registered at Case Crime No. 0192 of 2022, under Section 323, 354, 354Ka, 504 IPC, Police Station Saadarganj, District Lucknow.

Learned Additional Government Advocate looking to the gravity of punishment being less than seven years has stated that the provisions of Section 41-A Cr.P.C. shall be strictly followed in terms of judgment rendered by Hon'ble Supreme Court of India in a case reported in *(2014) 8 SCC 273: Arnesh Kumar vs. State of Bihar and another.*

The present petition deserves to be disposed of in terms of the statement made by learned AGA.

Accordingly, this petition is disposed of in view of the protection provided under Section 41-A Cr.P.C. and the law as laid down by the apex court in the case of *Arnesh Kumar (supra)*.

Order Date :- 31.1.2023

Fahim/-