

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 5007 of 2023

Petitioner :- Rajesh Kumar

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

Counsel for Petitioner :- Dharendra Pratap Singh

Counsel for Respondent :- G.A.

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Om Prakash Shukla,J.

1. Heard learned counsel for the petitioner and learned Additional Government Advocate for the State.
2. The punishment for the offences mentioned in the impugned F.I.R. is less than seven years.
3. Issuance of notice to the respondent No.4 is dispensed with.
4. This petition seeks issuance of a direction in the nature of certiorari for quashing the impugned F.I.R. dated 14.03.2023 registered as F.I.R. No.0111 of 2023, under Sections 379/411 I.P.C., Police Station Fatehpur, District Barabanki.
5. 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 the Apex Court in a case reported in **(2014) 8 SCC 273: Arnesh Kumar vs. State of Bihar and another.**
6. The present petition deserves to be disposed of in terms of the statement made by learned Additional Government Advocate.
7. Accordingly, this petition is **disposed of** in view of the provisions of Section 41-A Cr.P.C. and the law as laid down by the Apex Court in the case of **Arnesh Kumar (supra).**

(Om Prakash Shukla, J.) (Attau Rahman Masoodi, J.)

Order Date :- 30.6.2023/Anand Sri./-