

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 2265 of 2024

Petitioner :- Pawan Kumar Mishra

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

Counsel for Petitioner :- Satish Kumar Sharma

Counsel for Respondent :- G.A.

Hon'ble Rajan Roy,J.

Hon'ble Narendra Kumar Johari,J.

Heard.

By means of this petition, the petitioner has sought quashing of F.I.R. dated 20.03.2024, bearing Case Crime No.0066/2024, for the offence under Sections 323, 504, 506 I.P.C. and Section 3 (1) (da) & 3 (1) (gha) of SC/ST (Prevention of Atrocities) Act, 1989 (Amendment 2015), registered at Police Station Sidhauri, District Sitapur.

After arguing the matter at length, learned counsel for the petitioner confines his prayer to protection prescribed under Section 41-A Cr.P.C.

The said protection is statutorily available in cases where the sentence regarding an offence is of seven years or less than seven years, therefore, the police is obliged to extend the benefit of the said provision wherever attracted and no specific direction is required.

If during investigation any other section is added, then the law will take its own course, meaning thereby, if the provisions contained in Section 41 or 41-A Cr.P.C. are not attracted to the said offence/section, then it shall be open for the police to proceed accordingly.

In the event any new section is added carrying a sentence of

more than 07 years, it shall be open for the petitioner to approach this court or to seek such other remedies as may be prescribed under law.

Accordingly, the writ petition is **disposed of**.

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(Narendra Kumar Johari,J.) (Rajan Roy,J.)

Order Date :- 29.3.2024
ML/-