

Court No. - 1

Case :- CRIMINAL MISC. WRIT PETITION No. - 4611 of 2024

Petitioner :- Vipin Bihari Pandey @ Bipin Bihari Pandey And Another

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

Counsel for Petitioner :- S.K. Singhaniya

Counsel for Respondent :- G.A.

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Ajai Kumar Srivastava-I,J.

1. Heard Sri S.K. Singhaniya, learned counsel for the petitioners, learned A.G.A. appearing for the opposite party nos.1 to 3.
2. The punishment for the offences mentioned in the impugned F.I.R. is less than seven years.
3. Issuance of notice to the opposite party no.4 is dispensed with.
4. This petition seeks issuance of direction in the nature of certiorari for quashing the impugned F.I.R. dated 04.06.2024 registered as FIR No.0136 of 2024, under Section 420 IPC at Police Station - Aliganj, District - Lucknow.
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 Hon'ble Supreme Court of India 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 AGA.
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 Apex Court in the case of **Arnesh Kumar (supra).**

[Ajai Kumar Srivastava-I,J.] [Attau Rahman Masoodi,J.]

Order Date :- 28.6.2024 /KR