

Court No. - 1

Case :- CRIMINAL MISC. WRIT PETITION No. - 4589 of 2024

Petitioner :- Pradeep Kumar Singh

Respondent :- State Of U.P. Thru. Its Prin.Secy. Home And 3 Others

Counsel for Petitioner :- Rama Kant Dixit

Counsel for Respondent :- G.A.

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Ajai Kumar Srivastava-I,J.

1. Heard learned counsel for the petitioner and learned A.G.A. for the State/respondent.

2. The instant writ petition has been filed by the petitioner with the following main relief:-

"(i) Issue a writ, order or direction in the nature of certiorari quashing thereby the impugned first information report dated 28.02.2023 lodged by the opposite party no.4 against the petitioner which has been registered as Case Crime No.0062 of 2023, under Sections 419, 420, 406 I.P.C., Police Station Dargah Sharif, District Bahraich.

(ii) Issue a writ, order or direction in the nature of mandamus commanding the opposite party nos.1 to 3 not to arrest the petitioner in pursuance of the impugned first information report dated 28.02.2023 lodged by the opposite party no.4 against the petitioner which has been registered as Case Crime No.0062 of 2023, under Sections 419, 420, 406 I.P.C., Police Station Dargah Sharif, District Bahraich."

3. Learned counsel for the petitioner confines his prayer for issuing direction to the police authorities to follow the mandate of Section 41A Cr.P.C. for the reason that the offences mentioned in the impugned First Information Report carry the sentence of upto 7 years of imprisonment.

4. Accordingly, we **dispose of** this petition with the direction to the police authorities concerned to

follow the mandate of Section 41A Cr.P.C. and also the directions issued by the Hon'ble Supreme Court in the case of **Arnesh Kumar Vs. State of Bihar**, reported in **(2014) 8 SCC 273**.

(A. K. Srivastava-I,J.) (A. R. Masoodi,J.)

Order Date :- 28.6.2024
Mahesh