

**Court No. - 9**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 7329 of 2024

**Petitioner :-** Meera Mishra

**Respondent :-** State Of U.P. Thru. Secy. Home Deptt. Lko. And Others

**Counsel for Petitioner :-** Kaushal Kishore Tewari

**Counsel for Respondent :-** G.A.

**Hon'ble Vivek Chaudhary,J.**

**Hon'ble Narendra Kumar Johari,J.**

1. Heard learned counsel for the petitioner, learned A.G.A. appearing for the State/opposite parties and perused the record.
2. This petition seeks issuance of direction in the nature of certiorari for quashing the impugned F.I.R. dated 11.07.2024, bearing Case Crime No.0147 of 2024, for the offence under Sections 3/7 of Essential Commodities Act, registered at Police Station Naimisaranya, District Sitapur.
3. Learned counsel for the petitioner has submitted that the offences as alleged in FIR have maximum punishment for the term less than seven years imprisonment, whereas, the police is trying to arrest him, which is against the mandates of Code of Criminal Procedure (Now Bhartiya Nagrik Surksha Sanhita, 2023).
4. Additional Government Advocate appearing for respondent State has given a statement on behalf of investigating agency that because the offence allegedly committed by the petitioner, entails sentence of less than seven years, provisions of Section 35(3) of B.N.S.S., 2023 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.*

5. Considering the stand of the investigating agency, learned counsel for the petitioner states that let this petition be disposed of in view of the above said facts.

6. Accordingly, this petition is **disposed of** in view of the provisions of Section 35(3) of B.N.S.S., 2023 and the law as laid down by Apex Court in the case of ***Arnesh Kumar (supra)***.

**Order Date :- 30.9.2024**

Arti/-

**[Narendra Kumar Johari,J.]**

**[Vivek Chaudhary,J.]**