

Court No. - 48

Case :- CRIMINAL MISC. WRIT PETITION No. - 6956 of 2022

Petitioner :- Rishipal Sharma And 2 Others

Respondent :- State Of U P And 2 Others

Counsel for Petitioner :- Virendra Prakash

Counsel for Respondent :- G.A.

Hon'ble Suneet Kumar,J.

Hon'ble Syed Waiz Mian,J.

Heard learned counsel for the petitioner and learned A.G.A. for the State.

The present writ petition has been preferred with the prayer to quash the impugned First Information Report dated 15.03.2022, registered as Case Crime No. 182 of 2022, under Sections 452, 323, 504, 506, 354 I.P.C., Police Station Majhola, District Moradabad, and for a direction to the respondents not to arrest the petitioner in pursuance of impugned First Information Report.

The submission is that all alleged offences are punishable with imprisonment of seven years, therefore the police authorities are bound to follow the procedure laid down under Section 41-A Cr.P.C. The petitioner has been wrongly implicated and could not be arrested. Reliance has been placed on the judgement of Apex Court in ***Arnesh Kumar Vs. State of Bihar***, (2014) 8 SCC 273 and ***Social Action Forum for Manav Adhikar Vs. Union of India, Ministry of Law and Justice and others*** in Writ Petition (Civil) No. 73 of 2015 with Criminal Appeal No. 1265 of 2017 Writ Petition (Criminal) No. 156 of 2017 and co-ordinate Division Bench of this Court in ***Vimal Kumar & 3 others Vs. State of U.P. & 3 others*** in 2021 (2) ACR 1147.

We have gone through the impugned first information report and we are of the opinion that the guidelines framed by the Apex Court in the above noted judgements are equally applicable to the facts of the instant case.

Accordingly, the instant petition also stands disposed of in the light of the judgments as noted above.

Order Date :- 29.8.2022

Mukesh Kr.