

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 11851 of 2023

Petitioner :- Shamshad @ Khushnoor And 4 Others

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Anwar Hussain

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard Sri Anwar Hussain, learned counsel for the petitioners and Sri Vivek Kumar Shukla, learned A.G.A. for the State.

2. The present writ petition has been preferred with the prayer to quash the impugned First Information Report dated 18.06.2023 registered as Case Crime No. 278 of 2023, under Sections 147, 148, 452, 323, 324 I.P.C., Police Station- Ramgarh, District- Firozabad, and for a direction to the respondents not to arrest the petitioners in pursuance of impugned First Information Report.

3. 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 petitioners have 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**.

4. 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.

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

Order Date :- 7.8.2023

A.Kr.