

**Court No. - 45**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 13323 of 2023

**Petitioner :-** Yashpal And 2 Others

**Respondent :-** State Of U.P. And 3 Others

**Counsel for Petitioner :-** Dheeraj Kumar Tiwari, Amit Kumar Mishra

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

**Hon'ble Vivek Kumar Birla, J.**

**Hon'ble Anish Kumar Gupta, J.**

1. Heard Sri Javed Alam holding brief of Sri Dheeraj Kumar Tiwari, learned counsel for the petitioners and Sri Ratan Singh, learned A.G.A. for the State respondents.

2. The present writ petition has been preferred with the prayer to quash the impugned First Information Report dated 12.07.2023 registered as Case Crime No. 255 of 2023, under Sections 498A, 323, 506 IPC and Section 3/4 D.P. Act P.S. Shikarpur, District Bulandshahar 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 upto 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, Satendra Kumar Antil vs. Central Bureau of Investigation and Another, (2022) 10 SCC 51** 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 judgement are equally applicable to the facts of the instant case.

5. Accordingly, the instant petition also stands disposed of in terms of the judgements as noted above.

**Order Date :- 19.9.2023**

Nitendra