

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 2910 of 2022

Petitioner :- Ravi Kant

Respondent :- State Of U.P. Thru. Secy. Deptt. Home, Govt. Up Civil Sectt. Lko. And Others

Counsel for Petitioner :- Nitin Kumar Mishra

Counsel for Respondent :- G.A.

Hon'ble Arvind Kumar Mishra-I,J.

Hon'ble Manish Mathur,J.

Heard learned counsel for the petitioner and learned AGA for the State.

Petitioner has approached this Court with a request to quash the impugned first information report dated 10.5.2022 registered as F.I.R. No. 110 of 2022 under Sections 153A, 504, 505(2) IPC and Section 66 of IT Act, P.S. Hasanganj, District Lucknow.

This Court has the occasion to peruse the FIR and the FIR in question does disclose a cognizable offence, in view of this, there is no occasion for this Court to quash the FIR, as has been prayed on behalf of petitioners, as such, prayer made on the said score is refused by this Court.

Learned counsel for the petitioner next contended that the offence in question as has been alleged to have been committed by the petitioner is under Sections 153A, 504, 505(2) IPC and Section 66 of IT Act, and the said offence even if the charges are found to be proved sentence of more than 7 years can not be awarded and, in view of this, mechanically arrest should not be effectuated by the police personnel.

The fact of the matter is that till date arrest has not been effectuated and this is mere apprehension of the petitioner that he would be arrested in breach of provisions as contained under Section 41 (1) (b) read with Section 41-A of the Cr.P.C. Once there is statutory provision provided for then it is always expected that the said provisions would be adhered to and in case there is any violation of the same, complaint can also be made before the Magistrate concerned to remedy the situation.

In view of the above, it is hereby directed that in case arrest of petitioner is to be effectuated and the offence, in which he is wanted, will not entail sentence of more than 7 years then in that event concerned police personnel should deal with the matter in compliance of the provisions as contained under Section 41 (1) (b) read with Section 41-A of the Cr.P.C.

With the aforesaid directions the writ petition stands disposed of.

Order Date :- 19.5.2022

prabhat