
(1998) 02 AHC CK 0068

In the Allahabad High Court

Case No : Criminal Miscellaneous Writ Petition No. 267 of 1998

Geeta Devi and Ors.

APPELLANT

Vs

State of U.P.& Ors.

RESPONDENT

Date of Decision : 09-02-1998

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1998) 02 AHC CK 0068

Hon'ble Judges : Binod Kumar Roy, J and P.K.Jain, J

Final Decision : Disposed Of

Judgement

1. A prayer has been made by the five petitioners for issuance of a writ of mandamus commanding the respondents not to arrest them as no FIR or criminal complaint has been lodged against them.
2. Mr. Tejpal, learned Counsel appearing on behalf of the petitioners, contended that the plight of the petitioners is that even though there was no case registered against the petitioners yet they are sought to be arrested by the police.
3. Mr. Tripathi, learned A.G.A., appearing on behalf of the State contends that the allegations of the petitioners are too wild to be believed inasmuch as it cannot be expected of any police authority to arrest any one unless there is some case against the person concerned.
4. We dispose of this writ petition with this direction that it will be open for the police authorities to arrest the petitioners in accordance with law only if there is any case pending against them.
5. The office is directed to handover a copy of this order to Sri Tripathi, learned A.G.A., within three days for its communication to and follow up action by the Senior Superintendent of Police, Jhansi.