

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 10134 of 2023

Petitioner :- Pallav Bhatt And 2 Others

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

Counsel for Petitioner :- Mirza Faheem Beg

Counsel for Respondent :- G.A.,S1111

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. A prayer for adjournment is being made on behalf of the petitioners.
2. Sri Shiva Kant Awasthi, learned counsel appearing for the informant is opposing the same and submits that twice matter has been referred to the Mediation Centre and on the earlier occasion the same was not successful and on the second occasion the husband even did not care to appear before the Mediation Centre.
3. In such view of the matter, we proceed to consider the matter on merits.
4. The relief sought in this petition is for quashing of the F.I.R. dated 12.6.2023 registered as Case Crime No. 158 of 2023 under Sections 498-A, 323, 504, 313, 328 IPC and Section 3/4 of D.P. Act, Police Station Hanumant Vihar, District South (Commissionerate, Kanpur Nagar). Further prayer has been made not to arrest the petitioner in the aforesaid case.
5. Sri Sayed Iqbal Ahmad holding brief of Sri Mirza Faheem Beg, learned counsel for the petitioners is present and submits that the respondent no. 4 is quarrelsome in nature and wants to live with the petitioner no. 1 separately from the other family members and the present criminal prosecution is an outcome of the same and no such offence as alleged has been made out against the petitioners.
6. Learned counsel appearing for the informant and learned AGA opposed the prayer for quashing of the FIR, which discloses cognizable offence.
7. From perusal of record we find that the marriage was performed

about three years back on 11.12.2020 and there is an allegation that the victim was being consistently harassed, beaten and even miscarriage had taken place during this period.

8. Perusal of the impugned first information report prima facie reveals commission of cognizable offence. Therefore, in view of the law laid down by Hon'ble Supreme Court in the case of **State of Haryana and others vs. Bhajan Lal and others, 1992 Supp. (1) SCC 335** and **M/s Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra, AIR 2021 SC 1918** and in **Special Leave to Appeal (Crl.) No.3262/2021 (Leelavati Devi @ Leelawati & another vs. the State of Uttar Pradesh)** decided on 07.10.2021, no case has been made out for interference with the impugned first information report.

9. Therefore, the writ petition is dismissed.

Order Date :- 21.11.2023

Lalit Shukla