

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 13474 of 2023

Petitioner :- Shahnaj And 3 Others

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

Counsel for Petitioner :- Sukrampal

Counsel for Respondent :- G.A.,Sunil Dubey

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Shri Sukrampal Singh, learned counsel for the petitioners, Shri Sunil Dubey, learned counsel appearing for the informant and Shri Ratan Singh, learned A.G.A for the State respondents.

2. The relief sought in this petition is for quashing of the F.I.R. dated 16.6.2023 registered as Case Crime No. 174 of 2023 under Sections 498-A, 304-B IPC and Section 3/4 of D.P. Act, Police Station Rampur, District Saharanpur. Further prayer has been made not to arrest the petitioner in the aforesaid case.

3. Submission of learned counsel for the petitioners is that there is no physical injury on the body of the victim. It is next submitted that there is no allegation of demand of dowry. It is next submitted that there is delay of four days' in registration of impugned First Information Report. Thus, the petitioners have been falsely implicated in the present case. It is next submitted that prior to the date of incident, the victim used to remain ill, and on the date of incident she has fallen ill and she was only taken to her parents house and thus, it is a case of natural death.

4. *Per contra*, learned counsel appearing for the informant submits that soon after the marriage, the in-laws of the victim started raising demand of dowry. It is next submitted that the allegations are serious in nature against the petitioners and therefore, the petition is liable to be dismissed.

5. Learned AGA opposed the prayer for quashing of the impugned FIR, which discloses cognizable offence and submits that the husband and father-in-law have been arrested by the police, and the investigation is at initial stage. It is also pointed out that viscera has already been preserved and the report is yet to come. It is next

submitted that in the light of the fact that death occurred within seven years of the marriage, offence under Section 304-B IPC is made out against the petitioners.

6. After hearing learned counsel for the parties, *prima facie*, it is observed that the death has occurred within seven years of the marriage under suspicious circumstances, and there is allegation of demand of dowry soon before the death, no interference for quashing of the impugned First Information Report is made out.

7. Therefore, in the light of **State of Haryana and others vs. Bhajan Lal and others, 1992 Supp. (1) SCC 335** no interference is warranted with the impugned First Information Report.

8. Present petition is devoid of merits and is accordingly **dismissed**.

Order Date :- 17.10.2023

Lalit Shukla