

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 15625 of 2023

Petitioner :- Mona Alias Mumtaz Khatoon

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

Counsel for Petitioner :- Shikhar Tandon

Counsel for Respondent :- G.A., Abhishek Tiwari, Adesh Kumar Dixit

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Sri Adesh Kumar Dixit has filed his vakalatnama on behalf of the petitioner is taken on record.
2. Heard Sri Adesh Kumar Dixit, learned counsel for the petitioner, Sri Abhishek Tiwari, learned counsel for the informant and Sri G.P. Singh, learned A.G.A for the State respondents.
3. The relief sought in this petition is for quashing of the F.I.R. dated 31.07.2023, registered as Case Crime No. 308 of 2023, under Sections 307 IPC (later converted to Sections 147, 302, 120B IPC, Police Station Crossing Rebulic, District Ghaziabad. Further prayer has been made not to arrest the petitioner in the aforesaid case.
4. It is submitted that petitioner has no role to play in the entire episode, petitioner is wife of cousin brother of the victim's husband and is not connected in the entire episode and she has been falsely implicated due to general allegation.
5. Per contra, learned AGA submits that charge sheet has already been filed against eight named accused persons and the investigation is pending in the present case.
6. Learned counsel for the informant submits that co-accused had approached this Court by filing a writ petition being Criminal Misc. Writ Petition No. 13911 of 2023 (Shamsuddin and 2 Others vs. State of U.P. and 3 Others) and Criminal Misc. Writ Petition No. 13917 of 2023 (Hisam Alias Ishamuddin and Another vs. State of U.P. And 3 Others) which was dismissed by a co-ordinate Bench of this Court on 13.10.2023.

7. On perusal of FIR, we find that the deceased burnt and brutal murder has taken place, we do not find any good ground to take a view of the matter.

8. Thus, 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. The writ petition is dismissed.

Order Date :- 31.10.2023

Ujjawal