

Court No. - 85

Case :- WRIT - C No. - 34288 of 2023

Petitioner :- Heena Bano And Another

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

Counsel for Petitioner :- Brij Lal Shukla, Bhola Nath Garg

Counsel for Respondent :- C.S.C., Shailesh Singh Yadav

Hon'ble Mayank Kumar Jain, J.

List revised.

No one appears for the petitioner even in the revised call.

A short counter affidavit filed by learned counsel for the respondent no.4 is taken on record.

Heard Sri Shailesh Singh Yadav, learned counsel for the respondent no.4 and Sri Hari Om Singh, learned Standing Counsel.

Learned counsel for the respondent no.4 submits that petitioner no.1 Heena Bano is already married with one Mohd. Kayyum and petitioners have concealed this fact before this Court. It is further submitted that petitioner no.1 is not divorced by Mohd. Kayyum. In support of his contention, learned counsel for the respondent no. 4 has filed Adhar Card, Shram Card and Ration Card of petitioner no.1 as Annexure-SCA-1 alongwith short counter affidavit. The perusal of these documents reveals that name of husband of the petitioner no.1 is Mohd. Kayyum. It is further submitted that petitioner no.1 has also given an application to lodge F.I.R. against Mohd. Kayyum under Sections 498A, 323, 504, 506 (2) I.P.C. before S.P., Fatehpur which indicates that she is legally wedded wife of Mohd. Kayyum.

Learned Standing Counsel submits that it is an abuse of process of Court as material facts have been concealed by the petitioners and therefore, this writ petition is liable to be dismissed with cost.

In view of the above, since the petitioner no.1 is already married, therefore, the writ petition is devoid of merits and is accordingly dismissed with cost of Rs. 20,000/- upon the petitioners since they have misused the process of law.

The Chief Judicial Magistrate, Fatehpur is directed to realize the fine from the petitioners and deposit the same to District Legal Service Authority, Fatehpur.

Order Date :- 2.12.2023

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