

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 16259 of 2023

Petitioner :- Salman Khan

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Piyush Sinha

Counsel for Respondent :- G.A.,Shiv Shankar Kaithal

Connected with

Case :- CRIMINAL MISC. WRIT PETITION No. - 15692 of 2023

Petitioner :- Farida Begum @ Farida Bano And 6 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Piyush Sinha

Counsel for Respondent :- G.A.,Shiv Shankar Kaithal

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Both these writ petitions arise out of same impugned FIR.
2. Heard learned counsel for the petitioners, learned counsel for the first informant and learned AGA in both these writ petitions.
2. These writ petitions seek quashing of the F.I.R. dated 25.07.2023 giving rise to Case Crime No.0403 of 2023, under Sections 498-A, 323, 504, 506 I.P.C. and Section 3/4 Dowry Prohibition Act, 1961 Police Station- Rasoolpur, District- Firozabad.
3. The contention of learned counsel for the petitioners is that in a matrimonial dispute and on general allegations, the entire family has been falsely implicated in the FIR impugned in these writ petition.
4. Upon hearing learned counsel for the parties and learned AGA and upon a perusal of the impugned FIR, we find that since the case is one for demand of dowry, the petition on behalf of petitioner, the husband in Criminal Misc. Writ Petition No.16259 of 2023, is not liable to be entertained.
5. It is being entertained only on behalf of petitioners 1 to 7 in Criminal Misc. Writ Petition No. 15692 of 2023 against whom there are general allegations.
6. Counsel appearing for the first informant in both these writ petitions may file counter affidavit within three weeks.

7. Petitioner will have two weeks thereafter to file rejoinder affidavit.

8. List thereafter.

9. Till the next date of listing, the petitioners 1 to 7 in Criminal Misc. Writ Petition No. 15692 of 2023 may not be arrested consequent to the impugned F.I.R. dated 25.07.2023 giving rise to Case Crime No.0403 of 2023, under Sections 498-A, 323, 504, 506 I.P.C. and Section 3/4 Dowry Prohibition Act, 1961 Police Station- Rasoolpur, District- Firozabad.

10. This protection shall be available either till the next listing or till submission of police report under Section 173(2) Cr.P.C., whichever is earlier. It is also provided that the petitioners 1 to 7 in Criminal Misc. Writ Petition No. 15692 of 2023 shall fully cooperate in the investigation, failing which they shall not be entitled to the benefit of this order.

11. The petition on behalf of petitioner, the husband in Criminal Misc. Writ Petition No.16259 of 2023 is hereby, dismissed.

Order Date :- 13.12.2023

Mayank