

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 16636 of 2023

Petitioner :- Zafar Siddiqui And 3 Others

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

Counsel for Petitioner :- Sheshmani Vishwakarma

Counsel for Respondent :- G.A., Afshan Shafaut, Praveen Kumar Singh, Prem Shankar Pandey, Riyajuddin Ansari, Sushil Kumar Yadav

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Aftab Husain Rizvi, J.

This petition has been filed with the prayer to quash the First Information Report in Case Crime No.188 of 2023, on the ground that allegations levelled against the petitioners are factually incorrect and that proceedings for payment of maintenance etc. are, otherwise, pending since long. It is also stated that a previous case with allegation of demand of dowry is, otherwise, pending.

Learned AGA opposed the prayer made in the present petition.

We have perused the First Information Report, which contains allegation with regard to an incident of 10.09.2023, in which the informant has been thrown out of the house and her articles and belongings have been broken, threat has also been extended. Whether such an incident has occurred or not, is an aspect to be examined during the course of investigation. Since prima facie allegation with regard to commissioning of cognizable offence is disclosed, we are not inclined to entertain present writ petition. It may, otherwise, be noticed that we have offered the petitioners to avail the remedy of mediation but the petitioners are not inclined to avail of such remedy.

Leaving all factual issues to open for examination at the stage of investigation, this petition is consigned to records.

Order Date :- 2.12.2023

SP/-