

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 16899 of 2023

Petitioner :- Ashok And 3 Others

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

Counsel for Petitioner :- Rahul Jain

Counsel for Respondent :- G.A., Vivek Chaturvedi

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Syed Aftab Husain Rizvi,J.

Heard learned counsel for the petitioners, learned AGA for the State and learned counsel appearing for the informant.

This writ petition has been filed with the prayer to quash the FIR, registered as case crime no.0206 of 2023, under sections 498A, 323, 308 IPC and 3/4 D.P. Act, P.S. Khekhra, District Baghpat.

In view of the fact that the allegations against husband and in-laws in the impugned FIR are also substantiated by medico legal report, in which various injuries are shown, we are not inclined to entertain the present petition for quashing the FIR only on the ground that there is a matrimonial dispute. Since prima-facie allegations with regard to commissioning of cognizable offence are otherwise disclosed, the prayer made in the petition to quash the FIR in case crime no.0206 of 2023 is declined in view of the law laid down by the Supreme Court in the case of **State of Telangana vs. Habib Abdullah Jellani, (2017) 2 SCC 779**, as also in the case of **Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and Others, (2021) SCC Online SC 315**.

It is however provided that in the event provisions of Section 41-A of the Code of Criminal Procedure are attracted in the facts of the case, the authorities shall ensure its compliance.

Subject to observations made above, this petition is consigned to records.

Order Date :- 8.12.2023 /C. MANI