

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 18432 of 2023

Petitioner :- Shanti Devi

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

Counsel for Petitioner :- Vinod Kr Pandey

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Shri Vinod Kumar Pandey, learned counsel for the petitioner, learned A.G.A. for the State and perused the impugned F.I.R. as well as material brought on record.

2. This petition has been filed by the petitioner with a prayer to quash the F.I.R. dated 8.5.2006 registered as case crime no. 46 of 2006 under sections 409, 420, 467, 468, 471, 201, 218, 120-B/34 I.P.C., police station Sikandarpur, District Ballia.

3. Learned counsel for the petitioner submits that the impugned F.I.R. has been challenged by co-accused person before this Court in Crl. Misc. Writ Petition No. 25959 of 2018 in which interim protection was granted to him vide order dated 18.9.2018, hence the petitioner is also entitled for the same relief.

4. The said order dated 18.9.2018 is quoted as under:

"Heard Sri S.K. Shukla, learned counsel for the petitioner, Sri Irshad Hussain, learned A.G.A. for the State and perused the impugned F.I.R. as well as material brought on record.

This petition has been filed by the petitioner with a prayer to quash the F.I.R. dated 8.5.2006 registered as case crime no. 46 of 2006 under sections 409, 419, 420, 467, 468, 471, 201, 218, 120-B/34 I.P.C., police station Sikandarpur, District Ballia.

Learned counsel for the petitioner submits that the impugned F.I.R. has been challenged by co-accused person before this Court in Crl. Misc. Writ Petition No. 9159 of 2017 in which interim protection was granted to him vide order dated 25.5.2017 copy of which has been annexed at page-35 of the present petition, hence the petitioner is also entitled for the same relief.

Learned A.G.A. opposed the prayer for quashing but could not dispute the

aforesaid fact as argued by learned counsel for the petitioner.

Considering the submissions advanced by learned counsel for the parties and nature of the allegations, it is directed that the petitioners shall not be arrested in above mentioned case, till the submission of the police report under section 173(2) Cr.P.C. but he shall co-operate with the investigation of the case.

With the above direction this petition is finally disposed of."

5. Learned A.G.A. opposed the prayer for quashing but could not dispute the aforesaid fact as argued by learned counsel for the petitioner.

6. Considering the submissions advanced by learned counsel for the parties and nature of the allegations, it is directed that the petitioner shall not be arrested in above mentioned case, till the submission of the police report under section 173(2) Cr.P.C. but she shall co-operate with the investigation of the case.

7. With the above direction this petition is finally disposed of.

Order Date :- 28.11.2023

Shafique