

Court No. - 67

Case :- CRIMINAL MISC. WRIT PETITION No. - 18478 of 2023

Petitioner :- Ram Kumar And Another

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

Counsel for Petitioner :- Ram Shiromani Yadav

Counsel for Respondent :- G.A.

Hon'ble Rahul Chaturvedi,J.

Hon'ble Mohd. Azhar Husain Idrisi,J.

This is the FIR lodged by Smt. Lucky wife of Nitin against the appellants Ram Kumar chachiya sasur and Nitin Kumar husband, under Sections 498-A, 354(B), 323, 506 I.P.C., Police Station Khair, District Aligarh. Normally, we refer the matter to the mediation center but Sri Ram Shiromani Yadav, learned counsel for the petitioners submits that there is no possibility to settle the matter between the parties.

It has been contended by the counsel for the respondent no. 4 that the petitioner no. 2 is a Constable in the U.P. Police and he is harassing the respondent no. 4 to this offence.

Under these circumstances, where the respondent no. 4 is subjected to the harassment by her own husband Nitin Kumar and he claims that he is a Constable in U.P. Police. It is surprising that he himself is harassing her own wife and he is playing all sorts of tricks and game. Not only this, he is taking maximum advantage of his position and the institution where he is serving as the same discloses cognizable offence by the petitioner. No body is above the law. A person has to face the consequences, if they have committed any wrong. It is expected that the petitioners who is

constable in a law enforcing agency, must adhere to the provisions.

Under these circumstances, we are not inclined to quash the FIR.

We direct that the petitioner shall appear before the court concerned within a period of 10 days from today and surrender before the Magistrate, concerned and apply for regular bail.

Let the copy of this order be placed before the S.S.P., Aligarh for taking the appropriate remedial measures against the petitioner no. 2.

With the aforesaid observations, the writ petition **disposed of.**

Order Date :- 28.11.2023

Israr