

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 4362 of 2023

Petitioner :- Sukhraja Alias Sukhraj And Another

Respondent :- State Of U.P. Thru. Secy. Deptt. Of Home Civil Sectt Lko And Others

Counsel for Petitioner :- Arvind Kumar Tiwari

Counsel for Respondent :- G.A.

Hon'ble Rajnish Kumar,J.

Hon'ble Umesh Chandra Sharma,J.

Heard Sri Arvind Kumar Tiwari, learned counsel for the petitioners and learned A.G.A. for the State.

This petition has been filed challenging F.I.R. dated 29.4.2023 registered at Case Crime no. 205 of 2023 under Sections 498-A, 304-B I.P.C. and Section 3/4 Dowry Prohibition Act, Police Station- Bhinga, District- Shrawasti.

The sole argument of learned counsel for the petitioners is that the petitioners are mother-in-law and father-in-law of the deceased and they are living separately in the same house.

Undisputedly, the petitioners are the relatives i.e. mother-in-law and father-in-law of the deceased who had been subjected to cruelty and harassment just before the death as per the F.I.R. and the marriage was solemnized on 21.5.2022. There is presumption also under Section 113 B of the Evidence Act, 1872. Therefore, since the F.I.R. discloses commissioning of offence, which does not call for any interference by this Court under Article 226 of the Constitution of India.

The writ petition is misconceived and is, accordingly, dismissed.

Order Date :- 6.6.2023

S.Verma