

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7435 of 2023

Petitioner :- Mohtasim Husain Khan And 9 Others

Respondent :- State Of U.P. Thru. Addl. Chief Secy. (Home), U.P. Lucknow And 4 Others

Counsel for Petitioner :- Ashish David Rao, Shakti Kumar Verma

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Karunesh Singh Pawar, J.

Heard learned counsel for the petitioners and learned A.G.A. for the State.

This petition has been filed with the following main prayer:-

"to issue as writ, order or direction in the nature of Certiorari quashing the impugned first information report, registered against the Petitioner by opposite party no.4, as FIR/ Case Crime No.433/2023, Under Sections 498-A, 323, 504, 506 I.P.C. and 3, 4 the Muslim Women (Protection of Rights on Marriage) Act, 2019 at Police Station Shahabad, District Lakhmpur Kheri."

In compliance of the earlier order passed by this Court, Smt. Ilma Khan is present before this Court along with Sub Inspector Mahmood Alam and Constable Km. Neelam, Police Station Shahabad, Hardoi.

The petitioner no.1- Mohtasim Husain Khan is also present in person.

The respondent no.4 says that she is not in a position to try and settle the dispute through mediation.

After having examined the submissions advanced by learned counsel for the parties and perused the impugned F.I.R., we are of the opinion that the impugned F.I.R. discloses cognizable offence by the petitioners, hence, no interference is called for

by this Court in its extraordinary power under Article 226 of the Constitution of India for quashing of the F.I.R. or for grant of any interim relief to the petitioners and accordingly, the present writ petition is ***dismissed***.

Interim order, if any, shall stand discharged.

Order Date :- 17.10.2023

Rahul