

Court No. - 12

Case :- CRIMINAL REVISION No. - 1081 of 2023

Revisionist :- Surya Prakash Verma And Another

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home, Lucknow And Another

Counsel for Revisionist :- Ajeet Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the revisionists, learned A.G.A. for the State and perused the material brought on record.
2. This revision has been filed for quashing the order dated 05.08.2023 passed in S.T. No. 679 of 2022 arising out of F.I.R. No. 484 of 2021, under Sections 498A, 304B I.P.C. and Section 3/4 D.P. Act, P.S. Kotwali Nagar, District Barabanki.
3. Learned counsel for the revisionists submits that the revisionists, who are the parents-in-law of the deceased, were residing separately due to the behaviour of the wife of the son of the revisionists. It is further submitted that due to some trivial issues in between the husband and wife, she committed suicide, information of which, was given to the family members of the deceased including the informant of the present case. It is also submitted that at the time of inquest, brother-in-law of the deceased, Neeraj was present there and he is one of the witness of the inquest. It is also submitted that general allegations have been levelled against all the accused persons and it not a case of dowry death. Learned counsel for the revisionists further submits that the son of the revisionists was taking liquor, which was being opposed by his wife, due to which, some quarrels were taking place in between them. Earlier a compromise was also taken place in between the husband and wife in the police station concerned that he will not consume liquor in future.

Submission of the learned counsel for the revisionists is

that the Investigating Officer failed to consider all these facts and submitted the charge sheet merely on the basis of the general statements given by the family members of the deceased. It is also submitted that the arrest of the revisionists was stayed by the writ Court in Misc. Bench No. 11342 of 2021. Thereafter, they have also been enlarged on anticipatory bail. It is next submitted that the site plan as well as the compromise executed in between the husband and wife was not taken into consideration by the court below also at the time of deciding the discharge application. While seeking the indulgence of this Court and submitting that the impugned order is liable to be set aside, learned counsel for the revisionists, places reliance on the decision of the Hon'ble Apex Court in the case of **Geeta Mehrotra & Anr. Vs. State of U.P. & Anr., (2012) 10 SCC 741** and **Mirza Iqbal @ Golu & Anr. Vs. State of U.P. & Anr. (Criminal Appeal No. 1628 of 2021)**.

4. Learned A.G.A., while opposing the prayer of the revisionists, submits that in the inquest report, it is mentioned that the information about the death of the daughter-in-law of the revisionists was given by the mother/respondent no. 2/informant. It is further submitted that site plan does not reveal that the revisionists were residing in the tin shed, which belong to the accused persons and the accused persons does not mean only for the parents-in-law of the deceased. Learned A.G.A. vehemently submits that the specific allegations have been made by the witnesses in their statement recorded under Section 161 Cr.P.C., on the basis of which, charge sheet was filed. It is next submitted that the law relied by the learned counsel for the revisionists in the case of **Mirza Iqbal** (supra) is not applicable in the present case, as in the said case, the presence of the appellants was found in the Bank and in support of the same, CCTV footage was produced. The law relied by the learned counsel for the revisionists in the case of **Geeta Mehrotra** (supra) is also

not applicable as the said case is related to the offences under Sections 498-A, 323, 504, 506 I.P.C., in which, general allegations have been levelled against all the accused persons. It is, thus, submitted that the court below has rightly passed the impugned order and there is no illegality in the same.

5. Considering the arguments advanced by the learned counsel for the revisionists, learned A.G.A. and going through the contents of the revision, impugned order as well as other relevant documents including the decisions relied by the learned counsel for the revisionists, it is evident that in the case of **Mirza Iqbal** (supra), CCTV footage was placed, but the same was not considered by the court below, though it was mentioned in the case diary. However, in the present case, the information of the death of the daughter-in-law of the revisionists was given by the informant, which is clearly mentioned in the Panchyatnama. Admittedly, the defence of the revisionists cannot be considered at the time of deciding the discharge application.

6. In view of above facts and circumstances, the revision has no merit and is, accordingly, dismissed.

Order Date :- 3.11.2023

VKS