

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7704 of 2023

Petitioner :- Mohd. Shahrukh And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Home Lko. And Others

Counsel for Petitioner :- Madhavendra Nath Misra, Jatin Srivastav, Kafiya

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:-

"issue a writ order or direction in the nature of CERTIORARI to quash the impugned F.I.R. dated 04.08.2023 lodged by the opposite party no.4 in Case Crime No.0159/2023, under Sections 498-A, 323, 504, 506 I.P.C. and 3/4 D.P. Act, at Police Station- Saadatganj, District- Lucknow, as contained in Annexure No.1 to this writ petition."

In compliance of the earlier order passed by this Court, Smt. Sufiya Bano is present before this Court along with Sub Inspector Anjani Kumar Mishra and Constable Km. Anjum Khan, Police Station Saadatganj, Lucknow. She is being represented by Sri Satish Kumar Mishra, Advocate, who has filed power on behalf of the respondent no.4, which is taken on record.

The petitioner no.1- Mohd. Shahrukh is also present in person.

The respondent no.4- Smt. Sufiya Bano has expressed her willingness to talk with petitioner no.1 and settle the dispute through mediation, but she is little doubtful of any settlement arriving at between the parties as she says that the petitioner no.1 is not serious. She has also filed an application under Section 125 of the Cr.P.C. for maintenance in which the Court had ordered Rs.5,000/- per month to be given to the

respondent no.4 and Rs.5,000/- per month to be given to the child born out of the wedlock. The petitioner no.1 has not complied with the order of the court and has not given a single penny to the respondent no.4.

Learned counsel for the petitioners has stated that petitioner is working as a Driver in a Travel Agency.

The respondent no.4 seriously disputes such contention. She says that the petitioner no.1 owns the Travel Agency.

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