

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8018 of 2023

Petitioner :- Divya Tiwari

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

Counsel for Petitioner :- Dheerendra Kr. Agnihotri

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Ajai Kumar Srivastava-I,J.

1. Heard learned counsel for the petitioner and learned A.G.A. who appears on behalf of the State Respondents.

2. This petition has been filed with the following main prayers:-

"a. Issue a writ, order or direction in the nature of Mandamus commanding and directing the opposite party no.1 to 3 to conduct a fair and proper investigation in pursuance of First Information Report dated 01.03.2023, in Case Crime No.0020/2023, under section 498-A, 323, 313, 406, 506 IPC & section 3/4 D.P. Act, Police Station-Mahila Thana, District- Lucknow, contained in Annexure No.1 to this writ petition, in the interest of justice.

b. Issue a writ, order or direction in the nature of Mandamus commanding and directing the opposite party no.1 to 3 to ensure the protection of life of the petitioner and his family members against the threat by the opposite party no.4 to 7, in the interest of justice."

3. It has been submitted by the learned counsel for the petitioner that the petitioner had solemnized marriage with the opposite party no. 4 on 19.04.2017, one daughter was born out of the wedlock. The petitioner and the opposite party no. 4 soon fell out. As a result, the impugned F.I.R. has

been lodged.

4. It has been submitted by learned counsel for the petitioner that the present matter relates to matrimonial dispute, which may be amicably settled by way of mediation.

5. Learned A.G.A. for the State Respondents has produced before this Court written instructions dated 12.10.2023 sent by the Sub-Inspector of Police, Police Station- Mahila Thana, District- Lucknow wherein it has been stated that during the course of collection of evidence, Section 313 of the I.P.C. has been deleted, the name of Shweta Tiwari has also been deleted and Charge Sheet has been prepared against Sri Saumitra Tiwari(Husband), Smt. Kiran Tiwari (Mother-in-law) and Sri Shivendra Kumar Tiwari (Father-in-Law) and submitted to the Supervisory Authority on 14.07.2023.

6. The written instructions are kept on record.

7. The writ petition has become infructuous and it is ***dismissed*** as such.

Order Date :- 16.10.2023

Darpan Sharma