

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8033 of 2023

Petitioner :- Rajmani Verma And Others

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

Counsel for Petitioner :- Atul Kumar Dwivedi,Vineet
Bihari Patel

Counsel for Respondent :- G.A.,Gaurav Shukla,Sharad
Pathak

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Ajai Kumar Srivastava-I,J.

Heard learned counsel for the petitioners, learned A.G.A. for the State and Shri Sharad Pathak, who appears along with Sri Gaurav Shukla for the informant and perused the record.

This petition has been filed by the petitioners with the following main reliefs :

"Issue, a writ, order or direction in the nature of certiorari quashing the impugned F.I.R. No.0330 of 2023, under Sections 302, 328, 120(B), 419, 420, 467, 468, 392, 504 and 506 I.P.C., P. S.-Kotwali Dehat, District Sultanpur.

Issue a writ, order or direction in the nature of mandamus commanding the respondent nos.1 and 2 to not to interfere in the peaceful life and liberty to the petitioners on the basis of impugned F.I.R. No.330/2023, P.S. Kotwali Dehat, District Sultanpur."

It has been submitted by learned counsel for the petitioners that the petitioner nos.1 and 2 are real brother of the deceased, Sheshmani Verma. The petitioner no.3 is his cousin. The impugned F.I.R. has been lodged by the informant/opposite party no.3 only to harass the petitioners as the petitioners have lodged two F.I.Rs, namely, F.I.R. No.0021 of 2023, dated 20.01.2023, under Sections 328 and 302 I.P.C. alleging that the opposite party no.3 has killed their brother, Sheshmani Verma and F.I.R. No.0117 of 2023, dated 23.03.2023, under Sections 419, 420, 467, 468, 494 and 471 I.P.C. with regard to forging of documents relating to the legal heirs of Sheshmani Verma including pariwar register etc.

This court has heard learned counsel for the petitioners, who has pointed out that the civil dispute is also pending between the parties with regard to the status of the opposite party no.3 as second wife of Sheshmani Verma,

the deceased, brother of petitioner nos.1 and 2 and learned counsel appearing for opposite party no.3 at length and has perused the F.I.R. and finds that the cognizable offence is made out.

This Court does not find any good ground to show interference at the initial stage for quashing the same.

Accordingly, the writ petition is **dismissed**.

Order Date :- 16.10.2023

Mahesh