

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8062 of 2023

Petitioner :- Gjirrau Prasad Goshwami (In F.I.R. And I.D. Ghirrau), And Another

Respondent :- State Of U.P. Through Secretary, Home Department, Civil Secretariat Lucknow, And 2 Others

Counsel for Petitioner :- Angrej Nath Shukla

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 a writ order or direction in the nature of Certiorari for quashing the impugned first information report dated 06.10.2023, registered as FIR no.0425/2023, under Sections 498-A, 304-B I.P.C. and Section 3 & 4 of dowry prohibition Act, registered at Police Station- Paraspur, District Gonda as contained in Annexure No.-1 to this writ petition."

It has been argued by learned counsel for the petitioners that the marriage of the deceased took place with the son of the petitioners on 09.05.2015 and has been wrongly mentioned as 2017. The petitioners are both aged persons suffering from diseases and they could not have harassed the deceased.

Learned counsel for the State Respondent has produced before this Court instructions sent by the Sub Inspector, Police Station Paraspur, Gonda, wherein it has been stated that one of the named accused Kapil Dev has been arrested and sent to judicial custody.

This Court finds that as to whether the marriage took place in the year 2015 or 2017 is irrelevant in so far as contents of the F.I.R. is concerned.

The presumption of culpability of petitioners/

accused can be evaluated only at the time of Trial by the Competent Court.

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***.

Order Date :- 17.10.2023
Rahul