

Court No. - 12

Case :- APPLICATION U/S 482 No. - 10272 of 2023

Applicant :- Agya Ram

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko. And 2 Others

Counsel for Applicant :- Anuradha Singh

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the material brought on record.
2. This application has been filed for quashing the order dated 26.09.2023 passed in S.T. No. 100 of 2019 arising out of F.I.R. No. 131 of 2019, under Sections 304-B, 498-A, 201, 506 I.P.C. and Section 3/4 D.P. Act, P.S. Bhinga, District Shravasti.
3. Learned counsel for the applicant submits that the marriage of his daughter was solemnized with Anikesh (nephew of private respondent nos. 2 and 3). It is further submitted that the daughter of the applicant was killed by her in-laws with the association of the private respondents and when the applicant reached on the spot, he requested not to conduct funeral. However, the in-laws forcibly conducted the funeral of the body of the deceased. It is also submitted that neither opportunity of panchayatnama nor post mortem of the body of the deceased was given by the in-laws. It is vehemently submitted that the private respondents, who were also named in the F.I.R. along with other accused persons, but the Investigating Officer submitted the charge sheet only against three persons, namely, Anikesh, Rajit Ram and Rekha and the names of the respondent nos. 2 and 3, namely, Raksha Ram and Gudai were dropped. It is also submitted that during the course of trial, the deposition of the applicant was recorded, in which, he again reiterated the role of the private respondents. Thereafter, application under Section

319 Cr.P.C. was also moved, but the same was rejected by the court below in mechanical manner. It is, thus, submitted that the indulgence of this Court is necessary.

4. Learned A.G.A. vehemently opposes the prayer of the applicant and submits that after detail investigation, the involvement of the respondent nos. 2 and 3 was not found by the Investigating Officer, who are uncle of the husband of the deceased. It is also submitted that there is a trend that in the cases of dowry death, all the relatives are dragged on the basis of exaggerated facts. It is lastly submitted that the court below has rightly rejected the application moved by the applicant and there is no need to interfere in the same. It is, thus, submitted that the present application is liable to be dismissed.

5. Considering the arguments advanced by the learned counsel for the applicant, learned A.G.A. and going through the contents of the F.I.R., application, impugned order as well as other relevant documents, it is undisputed fact that respondent nos. 2 and 3 are the relatives of the husband of the deceased (daughter of the applicant). It is also evident that general allegations were levelled against them by the applicant in his statement recorded during the course of investigation as well as in his deposition before the trial court.

6. In view of above facts and circumstances, the court below has rightly rejected the application moved under Section 319 Cr.P.C.

7. The application has no merit and stands dismissed.

Order Date :- 19.10.2023

VKS