

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8361 of 2023

Petitioner :- Geeta Devi

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

Counsel for Petitioner :- Ravindra Shukla

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

(1) Heard the learned counsel for the petitioner and the learned A.G.A. who appears for the Opposite party nos.1 to 4.

(2) This petition has been filed by the petitioner for the following main prayer:-

"1) To issue a writ, order or direction in the nature of Certiorari to quash the impugned First Information Report dated 09.10.2023 bearing Case Crime No.0281 of 2023, under Section 8/21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Jamo, District Amethi, lodged by the Opposite party no.4 against the petitioners as contained in Annexure No.1 to this writ petition."

(3) It has been submitted by the learned counsel for the petitioner that the petitioner's name has been taken by her husband who is the main accused. No recovery has been made from the petitioner and she has been falsely implicated in the impugned F.I.R.

(4) This Court has perused the F.I.R. and finds that the husband of the petitioner has stated that he alongwith his wife were selling Smack.

(5) Whether the petitioner was actually involved or not, is a question of evidence which can be taken by the Trial Court itself. This Court can only see that prima facie case has been made out against the petitioner or not.

(6) We find from a perusal of the F.I.R. that it is a detailed F.I.R. relating to the *Motus-operandi* of the petitioner and

we do not find any good ground to show interference in the matter.

(7) The writ petition stands ***dismissed.***

Order Date :- 31.10.2023

N.PAL