

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8445 of 2023

Petitioner :- Irtija Alias Iltija Husain And Others

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

Counsel for Petitioner :- Onkar Nath Nishad, Deepak Chandra

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

1. In pursuance of the earlier order dated 02.11.2023 passed by this Court, respondent no.4- Smt. Smt. Zarin Fatima is present before this Court along with Sub Inspector Virendra Mani Tripathi from the police station concerned. The petitioner no.1- Irtija alias Iltija Husain is also present today.

2. Heard learned counsel for the petitioners, learned A.G.A. for the State-respondent nos.1 to 3 and Shri Sanjay Singh, Advocate who has filed Power on behalf of respondent no.4 and the same is taken on record.

3. The respondent no.4- Smt. Zarin Fatima states that she is unwilling to try and settle the dispute through mediation. She further states that she has earlier tried to compromise with the petitioner no.1 but he resiled from the terms and conditions and has married another person. The respondent no.4 has been living in her parental house for the past two months.

4. This Court has perused the impugned FIR and finds that all the offences that are being invoked against petitioners carry a sentence of upto 7 years of imprisonment, therefore, the Investigating Officer is directed to follow the mandate of Section 41A Cr.P.C. and also the directions issued by the Hon'ble Supreme Court in the case of **Arnesh Kumar Vs. State of Bihar**, reported in (2014) 8 SCC 273.

5. The writ petition is accordingly **disposed of**.

Order Date :- 16.11.2023

Arnima