

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8473 of 2023

Petitioner :- Smt. Gulnaj Bano Alias Gumnaj And Others

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

Counsel for Petitioner :- Sajjad Husain

Counsel for Respondent :- G.A.

AND

Case :- CRIMINAL MISC. WRIT PETITION No. - 8478 of 2023

Petitioner :- Shabbir And Others

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

Counsel for Petitioner :- Sajjad Husain

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Heard learned counsel for the petitioners, learned A.G.A. for the State/respondent Nos.1 to 3 and perused the impugned F.I.R. as well as material brought on record.

The present writ petition has been filed by the petitioner with the prayer to issue a writ, order or direction in the nature of Certiorari for quashing of the impugned F.I.R. dated 09.08.2023, bearing F.I.R./Case Crime No.0209/2023, under Sections 323, 504, 506 of I.P.C. at Police Station - Jarwal Road, District - Bahraich. A further prayer has been made for issuing a writ, order or direction in the nature of Mandamus commanding and directing the opposite party No. 3 not to arrest the petitioners in pursuance to the impugned F.I.R.

Crl. Misc. Writ Petition No. 8473 of 2023, has been filed by Smt. Gulnaj Bano @ Gumnaj along with two other petitioners Sahibe Alam @ Sahealam and Ikram arraying as respondent No.4 one Shabbir S/o Noor Mohammad. Crl. Misc. Writ Petition No. 8478 of 2023 has been filed by Shabbir, S/o Noor Mohammad arraying Ms. Gulnaj Bano as respondent No.4. It is the case of the petitioners in both the writ petitions that in pursuance of a dispute relating to giving of easementary rights

between the parties. The petitioner Shabbir lodged an F.I.R. in case crime no.0209/2023, under Sections 323, 504, 506 IPC at Police Station Jarwal Road, District Bahraich. Smt. Gulnaj Bano on the other hand had lodged F.I.R. in Case Crime No.0210/2023, under Sections 323, 504, 506 IPC at Police Station Jarwal Road, District Bahraich. Both the parties have entered into a compromise on 17th August, 2023, a copy of which has been filed as Annexure to the writ petition. They do not wish to prosecute each other. The matter having been amicably settled, they produced the compromise before the Investigating Officer, who is not respecting the same and has not passed any order. Hence, these writ petitions have been filed.

Crl. Misc. Writ Petition No.8473 of 2023 is **disposed of** with the direction to the petitioners Smt. Gulnaj Bano and others and opposite party No.4-Shabbir to approach the Investigating Officer concerned, within a week along with original copy of the compromise. The Investigating Officer shall take into account the compromise and take an appropriate decision strictly in accordance with law within four weeks.

For a period of four weeks, the petitioners shall not be arrested in pursuance of the impugned F.I.R. dated 09.08.2023, bearing F.I.R./Case Crime No.0209/2023, under Sections 323, 504, 506 of I.P.C. at Police Station - Jarwal Road, District - Bahraich.

Learned counsel for the petitioner in Crl. Misc. Writ Petition No.8478 of 2023 says that he does not wish to press the writ petition any further and the same may be dismissed as withdrawn.

Accordingly, Crl. Misc. Writ petition No. 8478 of 2023 is **dismissed as withdrawn.**

Order Date :- 3.11.2023

ML/-