

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8662 of 2023

Petitioner :- Mamta Rani (As Per Fir Mamta)

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

Counsel for Petitioner :- Ramesh Kumar Srivastava, Himanshu Trigunait

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Heard learned counsel for the petitioner, learned A.G.A. for the State/respondents and perused the material placed on record.

This writ petition has been filed by the petitioner with the prayer to issue a writ, order or direction in the nature of Certiorari quashing the impugned FIR dated 29.08.2023, registered as FIR/Case Crime No.0181 of 2023, under Sections 304-B, 498-A of I.P.C. and Section 3/4 of the Dowry Prohibition Act, 1961, at Police Station - Saadatganj, District - Lucknow, as contained in Annexure No.1 to the writ petition. A further prayer for issuing a writ, order or direction in the nature of Mandamus commanding and directing the respondents not to arrest the petitioner on the basis impugned FIR has been made.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case with malafide intention. Learned counsel for the petitioner further submits that co-accused who is also the sister-in-law of the deceased had approached this Court in Criminal Misc. Writ Petition No.7290 of 2023 (Sithilesh Kumari Vs. State of U.P.) wherein this Court has granted interim protection on 05.10.2023.

We have perused the order dated 05.10.2023 and also the pleadings in the present writ petition. It appears that the petitioner being married in 2013 was deserted by her husband

because of her being child less and she used to live in the same house in which the deceased suffered harassment and died. The argument of learned counsel for the petitioner is that on the date of death of the deceased, petitioner was in a temple, is a question for evaluation of evidence at the time of trial.

This Court finds no good ground to show interference in the matter.

Accordingly, the writ petition is hereby **dismissed**.

Order Date :- 9.11.2023

ML/-