

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8728 of 2023

Petitioner :- Sandeep Kumar And Others

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

Counsel for Petitioner :- Kamlesh Kumar Yadav

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Heard learned counsel for the petitioners, learned AGA who appears on behalf of the State-respondents and perused the record.

This writ petition has been filed with a prayer to issue a writ, order or direction in the nature of Certiorari for quashing of the First Information Report dated 28.10.2023 registered as FIR No. 449 of 2023 under Sections 498A, 323, 504, 506, 420, 494 IPC and 3/4 D.P. Act, 1961 at P.S. Jaidpur, District Barabanki and for a direction to the respondents not to arrest the petitioners pursuant to the impugned FIR.

It has been submitted by the learned counsel for the petitioners that the impugned FIR is completely false. It has further been submitted that the petitioner no. 2 was married to the daughter of the informant on 27.11.2022 but the daughter of the informant refused to perform her matrimonial obligations as she was in love with co-accused, Arvind. The petitioner no. 2 and the daughter of the informant agreed to live separately and an affidavit in this regard was prepared and sworn by them on 18.7.2023, copy of which has been filed as Annexure-2 to the writ petition. The informant got annoyed with the petitioner no. 2 because of living separately from his daughter, hence, the impugned FIR has been lodged.

After having examined the submissions advanced by learned counsel for the petitioners and perused the impugned FIR, we are of the opinion that the impugned FIR discloses cognizable offence against the petitioners, hence, no interference is called for by this Court in its extraordinary power under Article 226 of the Constitution of India for quashing of the FIR or for grant of any interim relief to the petitioner and accordingly, the present writ petition is **dismissed**.

Order Date :- 9.11.2023

AKK