

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8888 of 2023

Petitioner :- Mohammad Kadeem @ Kadeem Ahmad @ Shibu And 3 Others

Respondent :- State Of U.P. Thru. Secy. Home Deptt. Govt. U.P. Lucknow And 3 Others

Counsel for Petitioner :- Adarsh Srivastava, Nishi Srivastava

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/respondents and perused the material placed on record.

Vakalatnama filed on behalf of respondent No.4 by Shri Mohd. Muballiqus Salam, Advocate, is taken on record.

This writ petition has been filed with the following main prayers :-

"(I) Issue a writ, order or direction in the nature of Certiorari for quashing the First Information Report lodged on 11.11.2023 at 17.08 hrs. by the opposite party no.4 against the petitioners in Case Crime/F.I.R. No.0408/2023, Under Sections 498-A, 323, 504, 506, 308 IPC & Section 3/4 of the Dowry Prohibition Act, Police Station -Kaiserganj, District - Bahraich, contained as Annexure No.1 to the writ petition, in the interest of justice.

(II) Issue a writ, order or direction in the nature of Mandamus commanding the opposite parties particularly for compliance of provision of section 41 and section 41-A of the Code of Criminal Procedure as Provided by Hon'ble Supreme Court of India in Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 in relation to the First Information Report lodged on 11.11.2023 at 17.08 hrs. by the opposite party no.4 against the petitioners in Case Crime/F.I.R. No.0408/2023, Under Sections 498-A, 323, 504, 506, 308 IPC & Section 3/4 of the Dowry Prohibition Act, Police Station - Kaiserganj, District - Bahraich, contained as Annexure No.1 to the writ petition, in the interest of justice."

Learned counsel for the petitioners has submitted that the dispute is matrimonial in nature and can be resolved through

mediation. Learned counsel for the respondent No.4 has pointed out Annexure No.2 to the writ petition which is the injury report of the victim.

This Court has gone through the injury report as also the impugned F.I.R. and finds that cognizable offence is made out.

This Court finds no good ground to show interference in the matter. Accordingly, the writ petition is hereby **dismissed**.

Order Date :- 21.11.2023

ML/-