

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8923 of 2023

Petitioner :- Ashma Bano

Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lko.
And 3 Others

Counsel for Petitioner :- Shailendra Kumar Tiwari

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Heard learned counsel for the petitioner and learned A.G.A. for the State.

This petition has been filed with the following main prayer:-

"Issue a writ, order or direction in the nature of certiorari thereby quashing the impugned first information report lodged by the opposite party No.4 on 07.09.2023 vide Case Crime No.403 of 2023 under Section 34, 323, 504, 506, 302 of Indian Penal Code, 1860 at Police Station- Asandra, District Barabanki."

It has been submitted by learned counsel for the petitioner that the petitioner is a lady and has no role to play. The main accused has admitted to his crime in his statement recorded by the Police, a copy of which has been filed as annexure to the petition.

Learned A.G.A. has produced before this Court instructions dated 21.11.2023 sent by the Incharge, Inspector, Police Station Asandra, District Barabanki, wherein it has been stated that the petitioner Ashma Bano had exhorted the main accused to use his pick-up to crush the mother of the complainant to death.

This Court having perused the instructions as also the contents of the F.I.R. and the statement of the main accused and also of the complainant, we are of the opinion that the impugned F.I.R. discloses cognizable offence by the petitioner, 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 F.I.R. or for grant of any interim relief to the petitioner and accordingly, the present writ petition is **dismissed**.

Order Date :- 22.11.2023

Rahul