

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9042 of 2023

Petitioner :- Sunita Srivastava

Respondent :- State Of U.P. Thru. Prin. Secy. Home, Deptt., Lucknow And Others

Counsel for Petitioner :- Lalji Prasad Shukla

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-respondents.

This petition has been filed praying the following reliefs:-

(a) Issue a writ, order or direction in the nature of mandamus commanding the opposite party no. 3 to take proper action against the opposite party no. 4 to 6 and may be directed to opposite party no. 3 to provide the protection to the petitioner, contained as Annexure-4 to this writ petition.

It has been submitted by the learned counsel for the petitioner that the petitioner is mother-in-law of the opposite party no. 6. The opposite party no. 6 has lodged F.I.R. No. 606 under Sections 498-A, 323, 354-Kha, 504, 506 I.P.C. and 3/4 of the Dowry Prohibition Act in Police Station- Kotwali district-Sitapur on 10.10.2023. The petitioner along with others filed Criminal Misc. Writ Petition No. 8175 of 2023 against the aforesaid F.I.R.. This Court has passed the order dated 19.10.2023 disposing of the said writ petition giving protection to the petitioner and others in the light of the ***Arnesh Kumar Vs. State of Bihar, reported in (2014) 8 SCC 273.***

The son of the petitioner i.e. husband of the opposite party no. 6 has filed a case for judicial separation on 5.10.2023. The said case is pending before the court concerned. The opposite party no. 6 i.e. daughter -in-law (bahu) of the petitioner is harassing the petitioner and threatening her that she will commit suicide in the house of the petitioner. The petitioner being scared ran away from the house and the opposite party no. 6 had taken over her house.

The petitioner has not yet approached under the provisions of

Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

The writ petition is **disposed of** looking in to the fact that the petitioner has statutory remedy available to her.

Order Date :- 28.11.2023

Anuj Singh