

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9135 of 2023

Petitioner :- Smt. Jasmiul Nisa And Others

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

Counsel for Petitioner :- Ruved Kamal Kidwai, Mohd. Murtaza Hasan

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 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 FIR dated 11.9.2023 registered as Case Crime No. 257 of 2023 under Sections 498A, 323, 504, 506 IPC and 3/4 of D.P. Act at P.S. Kotwali Nagar, District Bahraich.

Learned AGA has produced before this Court written instructions dated 6.12.2023 sent by Sri Arvind Yadav, Sub Inspector, P.S. Kotwali Nagar, District Bahraich wherein it has been stated that the investigation is at preliminary stage. The notice under Section 41-A Cr.P.C. was served upon the petitioner no. 1 but she refused to take it and has not gone for her statement recorded under Section 161 Cr.P.C. and she is also not cooperating in the investigation. The other petitioners are absconding from home, hence, their statements could also not be recorded.

The instructions are kept on record.

In view of the aforesaid, writ petition is **disposed of** with a direction to the petitioners to approach the Investigating Officer to get their statements recorded on 14.12.2023.

Till the recording of the statements of the petitioners under Section 161 Cr.P.C., the petitioners shall not be arrested pursuant to the impugned FIR.

Order Date :- 11.12.2023

AKK