

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9400 of 2023

Petitioner :- Neetu Tiwari

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

Counsel for Petitioner :- Ram Kushal Tiwari

Counsel for Respondent :- G.A.,Rahul Roshan Dubey

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Heard learned counsel for the petitioner, learned AGA for State-respondents and Shri Rahul Roshan Dubey, learned counsel for respondent no.4.

Short counter affidavit filed by Shri Rahul Roshan Dubey, learned counsel on behalf of respondent no.4, is taken on record.

The present writ petition has been filed with a prayer to issue a writ, order or direction in the nature of certiorari for quashing the first information report dated 02.12.2023 at Case Crime No.0399 of 2023 under Sections 498-A, 304-B IPC and Section 3/4 D.P. Act, 1961 at Police Station Kurwar, District Sultanpur and with a further prayer to not to arrest the petitioner.

It has been submitted by learned counsel for the petitioner that petitioner is the sister-in-law of the deceased and she got married almost twenty years ago and was residing in her matrimonial home, far away from the house of the main accused and has no role to play in the death of the deceased. The deceased was suffering from epilepsy and used to have fits often, as a result of which her matrimonial relationship turned sour with the brother of the petitioner. Thereafter, as a result of compromise entered into between the brother of petitioner and deceased, the deceased returned from her parental home and there she died only because of epilepsy fits.

Learned counsel appearing on behalf of respondent no.4 has submitted through his short counter affidavit that the deceased Jyoti Tiwari was married to Vikas Tiwari, (brother of petitioner) some two years ago. She had a baby boy one year ago on 09.10.2022. Whereafter, the husband of deceased along with in-laws of deceased including the petitioner- Neetu Tiwari

harassed her to such an extent that she had to leave her matrimonial home and started residing with her parents. She was not even allowed to feed her baby boy who was kept by the petitioner.

It has been pointed out from the Post Mortem Report of the deceased that she suffered at least three injuries before her death.

This Court having gone through the pleadings on record and short counter affidavit and *prima facie* finds that cognizable offence is being made out hence finds no good ground to show interference as prayed in this petition.

The Writ Petition is, accordingly, **dismissed**.

Order Date :- 12.12.2023

Arnima