

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9353 of 2023

Petitioner :- Manoj And Others

Respondent :- State Of Up Thru. Prin. Secy. Home And Others

Counsel for Petitioner :- Ashok Kumar, Chandra Prakash

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

1. Heard learned counsel for the petitioners and learned A.G.A. who appears on behalf of the State Respondents.

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

"i. माननीय न्यायालय से निवेदन है कि उत्प्रेषण लेख जारी करके याची के विरुद्ध दर्ज मु०अं०सं० 1022/2023 धारा 498-ए, 304-वी 323 आई०पी०सी० व धारा 3/4 डी०पी० एक्ट थाना कोतवाली सदर, जिला लखीमपुर खीरी दिनांक 24.10.2023 संलग्नक सं० 1 को निरस्त करने सम्बन्धी आदेश पारित करने की कृपा की जावे।

ii. माननीय न्यायालय से निवेदन है कि विपक्षी सं० 1, 2, 3, के विरुद्ध परमादेश प्रकृति का आदेश निर्देश जारी करके याची की गिरफ्तारी पर रोक लगाये जाने की कृपा की जावे।"

3. It has been submitted by the learned counsel for the petitioners that the petitioners no. 1 and 2 are the distant relatives of the husband of the deceased whereas the petitioners no. 3 and 4 are the sisters of the husband of the deceased.

4. It has also been submitted that the Petitioner No. 1, namely, Manoj Kumar has a separate living as is evident from the copy of the ration card issued in the name of his wife.

5. This Court having gone through the F.I.R. and also the postmortem report finds that although death has been shown to have occurred due to hanging, there are two injuries that are shown on the body of the deceased.

6. There is no good ground to show interference in the impugned F.I.R. Accordingly, the writ petition is **dismissed**.

Order Date :- 11.12.2023

Darpan Sharma