

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9437 of 2023

Petitioner :- Mo. Shakeel

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

Counsel for Petitioner :- Bal Krishna 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 parties especially opposite party no. 2 and 3 to constitute the panel of doctors to conduct the postmortem again of the deceased namely Jameela was murdered by the opposite party nos. 5 and 6 and also direct to the opposite party no. 2 and 3 to conduct the inquiry in regard of the murder of the mother of the petitioner and further directed to the opposite party no. 2 and 3 to lodge the first information report against the opposite party no. 5 and 6.

(b) Issue a writ, order or direction in the nature of mandamus commanding the opposite party especially opposite party no. 2 and 3 to produce the progress report of murder of the mother of the petitioner.

It has been submitted by the learned counsel for the petitioner that the petitioner's father had died 12 years ago and petitioner's mother lived at home with the children. The petitioner was living in Poona Maharashtra. The opposite party no. 5 was jealous of the petitioner's mother- Jamila. The opposite party no. 5 had illicit relationship with the opposite party no. 6 and they beat up the petitioner's mother on several occasions. They have murdered his mother and thrown the body in canal. The body of the deceased-mother of the petitioner was recovered near the village and at that time the canal water was not running.

The post mortem was conducted after body was exhumed. A

copy of the such post mortem report has been annexed as Annexure-5 to the petition. The petitioner is not satisfied with the post mortem conducted on 5.11.2023, as the mother of the petitioner had died/was murdered on 28.9.2023. The post mortem having been conducted after 37 days, did not reflect any ante mortem injury although the immediate cause of death has been mentioned asphyxia due to drowning, therefore, the petitioner wants this Court to interfere and direct the respondents to exhume the body of the petitioner's mother again and to conduct postmortem by the panel of the doctors.

This Court having gone through the post mortem report is not satisfied with the pleadings on record. This Court does not wish to interfere as prayed for in this writ petition.

The writ petition is, accordingly, **dismissed**.

Order Date :- 13.12.2023

Anuj Singh