

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9456 of 2023

Petitioner :- Vikas Tiwari And Others

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 petitioners, learned A.G.A. for the State/respondents and Shri Rahul Roshan Dubey, learned counsel for the private respondent and perused the material placed on record.

Short counter affidavit filed on behalf of the private respondent is taken on record.

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

"(i) Issue a writ, order or direction in the nature of certiorari quashing the impugned F.I.R. No.0399/2023, U/S 498-A, 304-B I.P.C. and Section 3/4 of the Dowry Prohibition Act, Police Station - Kurwar, District -Sultanpur, as contained in ANNEXURE NO.1 to this writ petition.

(ii) Issue a writ order or direction in the nature of Mandamus commanding the opposite parties not to arrest the petitioners in respect of impugned F.I.r. contained in ANNEXURE NO.1 to this writ petition."

It has been submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the impugned F.I.R. out of greed for money to be extracted from them by the informant after unfortunate death of the deceased.

Learned counsel appearing for the private respondent has filed short counter affidavit and states that the sister-in-law (Nanad of the deceased) had come before this Court in Criminal Misc. Writ Petition No.9400 of 2023 saying that the deceased had died because of epilepsy fits and the said writ petition was dismissed by this Court on 12.12.2023.

This Court has perused the F.I.R. and finds no good ground to show interference in the matter.

Accordingly, the writ petition is hereby **dismissed**.

Order Date :- 14.12.2023

ML/-