

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9509 of 2023

Petitioner :- Sachin Jaiswal And Others

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

Counsel for Petitioner :- Sumit Kumar Srivastava

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 certiorari thereby quashing the impugned first information dated 26.11.2023, vide case crime no. 786 of 2023 under Section 147, 148, 149, 504, 506 and 302 I.P.C. and now under Section 147, 148, 149, 504, 506 and 306 I.P.C, lodged at Police Station- Kotwali City, District- Pratapgarh as contained in Annexure-1 to this writ petition.

(b) Issue a writ, order or direction in the nature of mandamus commanding the opposite party not to harass, detain or prosecute the petitioner in pursuance of the impugned F.I.R.

It has been submitted by the learned counsel for the petitioners that the opposite party no. 4, who is complainant and real brother of the deceased has lodged the impugned F.I.R. against the the petitioner nos. 1 to 3, who are real brothers of the deceased and petitioner no. 4 and 5 are neighbours. The petitioner nos. 1 to 3 and opposite party no. 4 are all sons of Mohan Lal Jaiswal. There is also civil dispute regarding property of Mahesh Jaiswal. Initially F.I.R. was lodged by opposite party no. 4 alleging murder i.e. Section 302 I.P.C. thereafter suicide note of the deceased had been discovered and Section 306 I.P.C. was removed and section 306 had been added but in the suicide note there is no allegation of involvement of the petitioners for abatement of suicide.

Learned A.G.A. has produced instruction sent by Incharge Inspector, Police Station- Kotwali City, District- Pratapgarh wherein it has been stated that from the evidence, which has

been collected up to now which includes statement of the informant and also of his mother and other witnesses and the doctor concerned and from the perusal of the suicide notice and video prepared of the deceased just before her death which became viral on social media the involvement of the petitioners in the death of the deceased is prima facie made out.

The Court having perused the impugned F.I.R. finds and the instructions sent by the police station concerned finds that cognizable offence is made, therefore, there is no ground to show interference as prayed in the instant writ petition.

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

Order Date :- 15.12.2023

Anuj Singh