

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9652 of 2023

Petitioner :- Brijendra Kumar Alias Kallu Agrahari

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

Counsel for Petitioner :- Manoj Kumar Singh, Ashish Kumar Dubey

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

1. Heard learned counsel for the petitioner 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) a writ or writs in the nature of certiorari, quashing the impugned First Information Report dated 09.11.2022, lodged by opposite party no. 4 vide FIR No. 0704 of 2022, under Section 306 I.P.C. at Police Station Akbarpur, District Ambedkar Nagar, contained as Annexure No. 1 to the writ petition, and

ii) Issue a writ, order or direction in the nature of mandamus, commanding the opposite parties no. 1 to 3 not to proceed any further in pursuance of the impugned First Information Report dated 09.11.2022, lodged by opposite party no. 4 vide FIR No. 0704 of 2022, under Section 306 I.P.C. at Police Station- Akbarpur, District- Ambedkar Nagar, contained as Annexure No.1 to the writ petition, and"

3. It has been submitted by the learned counsel for the petitioner that the petitioner is the brother-in-law of the wife of the deceased and he has no concern at all with the suicide, if any, which was committed by the husband of Gudiya @ Shweta @ Durgawati, the co-accused.

4. It has been submitted that the suicide note, on the basis of which allegation has been made by the mother of the deceased against the petitioner and his family members, does not mention any specific role to have been played by the petitioner.

5. We have gone through the F.I.R. and also the suicide note/annexure-03 to the writ petition wherein the deceased has expressed his tortuous frame of mind and his agony at the misbehavior to his wife and her family members including the petitioner who is the brother-in-law/Jija of Gudiya @ Shweta @ Durgawati. We have also noticed that Gudiya @ Shweta @ Durgawati had approached this Court in Criminal Misc. Writ Petition No. 8952 of 2023, wherein this Court did not feel it appropriate to show interference and dismissed the same on 23.11.2023.

6. After perusing the suicide note, we cannot grant the prayer as made in this writ petition.

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

Order Date :- 20.12.2023

Darpan Sharma