

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9731 of 2023

Petitioner :- Durgesh Singh And Others

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

Counsel for Petitioner :- Vijay Kumar Pandey,Dheerendra Kr. Agnihotri

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Karunesh Singh Pawar,J.

1. Heard learned counsel for the petitioner, learned A.G.A. for the State-respondents.

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

"a. Issue a writ, order or direction in the nature of Certiorari quashing the first information report dated 08.11.2022 in Case Crime no. 0330/2022, under section 498-A, 323, 504 IPC & section 3/4 D.P. Act, P.S. Jankipuram, District-Lucknow, on the basis of compromise (The copy of FIR, as contained in Annexure No. 1, to this writ petition).

b. Issue a writ, order or direction in the nature of Mandamus commanding and directing the opposite party no.1 to 3 not to arrest the Petitioners in pursuance of first information report dated 08.11.2022 in Case Crime no. 0330/2022, under section 498-A, 323, 504 IPC & section 3/4 D.P. Act, P.S. Jankipuram, District-Lucknow, as contained in Annexure No. 1, to this writ petition."

3. It has been submitted by learned counsel for the petitioner that the opposite party No.4 had initially lodged F.I.R. but the dispute is matrimonial in nature and therefore, family and friends have convinced both the persons to enter into a compromise. A copy of the compromise has been filed as Annexure No.3 to the petition.

4. Sri Vishnu Kant Awasthi, Advocate has filed his power on behalf of the opposite party No.4. He has not disputed the argument raised by learned counsel for the petitioner.

5. The writ petition is disposed of with a direction to the petitioners and the opposite party No.4. to approach the Investigating Officer of Case Crime No.330 of 2022. The Investigating Officer shall take appropriate action strictly in accordance with law thereafter.

6. The Registry is directed to return the original copy of the compromise to the counsel for the petitioner forthwith.

Order Date :- 21.12.2023

Saurabh Yadav/-