

Court No. - 16

Case :- CRIMINAL MISC. WRIT PETITION No. - 4482 of 2023

Petitioner :- Smt. Ummatun Nisha

Respondent :- State Of U.P. Thru. Prin. Secy. Home Lko. And 5 Others

Counsel for Petitioner :- Abdul Alim Khan

Counsel for Respondent :- G.A., Nazmul Hasan

Hon'ble Shamim Ahmed,J.

List is being revised.

No one is present for the petitioner.

Sri Nazmul Hasan, Advocate is present for the opp. party Nos. 4, 5 and 6.

Sri Ashok Kumar Singh, learned A.G.A.-I, is present for the State Opp. party Nos. 1, 2 and 3.

This writ petition has been filed with the following prayer:

"(1) A Writ, order or direction in the nature of mandamus commanding thereby directing the opposite party no.2 and 3 not to harass or victimize the petitioner and in regard to proceeding under section 128 Cr.P.C. which is already initiated against Dilshad @ Rais, in the interest of justice.

(II) A writ, order or direction in the nature of mandamus commanding thereby directing the opposite party no.1, 2 & 3 not to initiate any proceedings against the petitioner, and not to make any nocturnal visit or harass and victimize the petitioner in any manner, in the interest of justice."

Sri Ashok Kumar Singh, learned A.G.A., submits that as per the instructions provided to him, no action is being taken against the petitioner. This writ petition has been filed only on the ground of apprehension, as the proceeding under Section 128, Cr.P.C. has been initiated against the petitioner's son Mohd. Dilshad alias Rais, thus, the relief sought in the present writ petition cannot be granted.

Sri Nazmul Hasan, learned counsel, appearing for the opp. party Nos. 3, 4 and 5, submits that not a single penny is being paid by the petitioner's son Mohd. Dilshad alias Rais, towards the maintenance of his wife and children, awarded by the Family Court, Pratapgarh, and, hence, proceeding under Section 128, Cr.P.C. has been initiated against him, and this petition has been filed only with the intention to anyhow obtain some order from this court, thus, this petition deserves to be dismissed with

costs.

After considering arguments advanced by learned counsel for the opp. party Nos. 4, 5 and 6 as well as the learned A.G.A. appearing for the opp. party Nos. 1, 2 and 3, this court is of the view that the present writ petition has been filed by mother of husband of the opp. party No. 4, only with some apprehension, thus, no relief can be granted. If she is aggrieved by any other, she may approach the competent court/forum.

With the above observations, this writ petition is finally **dismissed**. Interim order, if any, is hereby vacated,

(Shamim Ahmed, J.)

Order Date :- 23.8.2024

A.Nigam