

Court No. - 13

Case :- APPLICATION U/S 482 No. - 11426 of 2024

Applicant :- Maisar Jahan

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. U.P. Lko.
And 3 Others

Counsel for Applicant :- Dinesh Kumar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.

2. The present application is filed with the prayer to quash the proceeding of Sessions Case No.997/2023 (State Vs. Ashik Ali & Ors.), arising out of Case Crime No.0165/2023, under Sections 498-A, 304-B, 120-B I.P.C. & Section 3/4 D.P. Act, Police Station Itiyathok, District Gonda.

3. Learned counsel for the applicant submits that marriage of daughter of the applicant was solemnized with one Ashik Ali on 21.5.2021, thereafter, her husband, parent in-laws and other relatives started victimizing her for demand of dowry. He also submits that daughter of the applicant was killed by her husband and other family members, as a result, F.I.R. of the case in question was lodged against husband, parent in-laws and private respondents but investigation is conducted in the most mechanical manner and names of the private respondents were dropped with the observation that respondent no.3 was residing in her in-laws house and respondent nos.2 & 4 are residing separately. He further submits that charge sheet was submitted against husband of daughter of the applicant as well as father-in-law and trial was proceeded against charge sheeted accused persons, thereafter, they were examined before the trial court. He further submits that later on, application under Section 319 Cr.P.C. was filed by the applicant, which was rejected by the learned court below in the most mechanical manner with the observation that respondent no.3 was residing separately but this observation is totally incorrect, therefore, indulgence of this

Court is necessary.

4. Learned A.G.A. oppose the prayer of the applicant and submits that after detail investigation, it was found by the Investigating Officer that respondent no.3 is a married sister-in-law (Nanad) and she was residing at her in-laws house and rest of the private respondents were residing separately, therefore learned court below has rightly rejected the application of the applicant.

5. Considering the submissions of learned counsel for the applicant, learned A.G.A., going through the impugned order as well as other relevant documents, application under Section 319 Cr.P.C., it is evident that respondent no.2 is Jeth of the deceased, respondent no.3 is married sister-in-law of the deceased, respondent no.4 is cousin father-in-law of the deceased. As Investigating Officer categorically observed that respondent no.3 was residing at her in-laws, respondent no.2 & 4 are residing separately, therefore, there is no illegality in the impugned order passed by the court below, accordingly, present application is misconceived and same is hereby, **dismissed**.

Order Date :- 18.12.2024

Gaurav/-