

Court No. - 4

Case :- CRIMINAL MISC. WRIT PETITION No. - 2558 of 2019

Petitioner :- Chand And 4 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Sanjay Srivastava

Counsel for Respondent :- G.A.

Hon'ble Bala Krishna Narayana,J.

Hon'ble Ghandikota Sri Devi,J.

Heard learned counsel for the petitioners and learned A.G.A. for the State.

This writ petition has been filed by the petitioners to issue a writ, order or direction in the nature of certiorari quashing the impugned F.I.R. dated 31.12.2018, registered as Case Crime No. 611 of 2018, under Section 498A I.P.C. and Section 3/4 D.P. Act, P.S. Aurangabad, District Bulandshahr.

Learned counsel for the petitioners submitted that the impugned F.I.R. has been lodged by the respondent no. 3 roping in the entire family of her husband including his mother, brother, sister and brother-in-law (bahnoi) falsely alleging commission of offences by them under Section 498A I.P.C. and Section 3/4 D.P. Act. Moreover apart from the bald allegations made in the impugned F.I.R., no credible evidence whatsoever is forthcoming even prima facie indicating at the petitioners' complicity and hence the impugned F.I.R. qua petitioner nos. 2 to 5 is liable to be quashed.

Per contra learned A.G.A. submitted that from the perusal of the impugned FIR and on the basis of the allegation made therein, it cannot be said that no cognizable offence is disclosed against the petitioners.

After having heard learned counsel for the parties present and perused the impugned FIR, we are not inclined to quash the same.

However, considering the peculiar facts and circumstances of the case, we direct that investigation of the aforesaid case shall go on but the petitioner nos. 2 to 5 shall not be arrested till the submission of police report under section 173(2) Cr.P.C. subject to their extending full co-operation during investigation.

As far as petitioner no. 1 is concerned, who is the husband of the respondent no. 3, the petition stands dismissed. However, it is directed that in case he appears before the court concerned within thirty days from today and applies for bail, the same shall be heard and disposed of expeditiously by the courts below.

With the aforesaid directions, this petition is finally disposed of.

Order Date :- 31.1.2019

SA