

Court No. - 44

Case :- CRIMINAL MISC. WRIT PETITION No. - 10172 of 2020

Petitioner :- Mohammad Haseen @ Haseen Ahmad And 4 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Azad Khan

Counsel for Respondent :- G.A.

Hon'ble Pankaj Naqvi,J.

Hon'ble Sanjay Kumar Pachori,J.

Heard Sri Azad Khan, learned counsel for the petitioners and learned A.G.A.

This writ petition has been filed, seeking a writ of mandamus, directing the respondent concerned, not to arrest the petitioners, with a further prayer for quashing the impugned F.I.R. dated 26.06.2020 registered as Case Crime No.0059 of 2020, under Sections 498A, 323, 504, 506 I.P.C. & Section 3/4 of Dowry Prohibition Act, Police Station Mahila Thana, District Prayagraj.

It is submitted by the learned counsel for the petitioners that it's an offshoot matrimonial dispute, entire family has been implicated on general and vague allegations, F.I.R. is malafidely and mischievously motivated which is liable to be quashed.

Per contra, the learned A.G.A has opposed the submission.

After having heard learned counsel for the parties and perusing the impugned FIR as well as the other material brought on record, it cannot be said that prima facie no offence is made out against the petitioners. Therefore, the prayer for quashing the FIR is refused.

However, we **dispose of** this writ petition with the direction that investigation of the aforesaid case shall go on but the petitioners shall not be arrested in the aforesaid case till the submission of police report under Section 173(2) Cr.P.C., subject to his cooperation during investigation.

The party shall file a computer generated copy of this order downloaded from the official website of High Court Allahabad, self attested by the petitioner alongwith a self attested identity proof of the said person (s) (preferably Aadhar Card).

The concerned Court/Authority/Official shall verify the

authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

Order Date :- 30.9.2020

Radhika