

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 2412 of 2023

Petitioner :- Diwinder Kaur

Respondent :- State Of U.P. Thru. Addl. Chief Secy.Home And 4 Others

Counsel for Petitioner :- Nisha Tiwari,Shreyash Agrawal

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Heard Ms Nisha Tiwari, learned counsel for the petitioner and Shri Azhar Ikram, learned A.G.A. for the State/respondents.

For the orders proposed to be passed, this Court do not feel necessary to issue notice to opposite party No.5. Hence, the notice to respondent No.5 is dispensed with.

This petition has been filed with the following main prayers :

*(I) issue a writ, order or direction in the nature of **mandamus** commanding the opposite party no.4 to file her police report under Section 173 of the Cr.P.C. expeditiously within the time period specified by this Hon'ble Court in relation to the First Information Report No.539 of 2022 (**Annexure No.1**) dated 08.09.2022 lodged u/s 323, 377, 406, 494, 498-A, 504 and 506, of the I.P.C., at Police Station PGI, (Lucknow East Commissionerate), Lucknow.*

*(II) issue a writ, order or direction in the nature of **mandamus** commanding the opposite party no.3 to file his police report under Section 173 of the Cr.P.C. expeditiously within the time period specified by this Hon'ble Court in relation to the First Information Report No.0410 of 2022 (**Annexure No.2**) dated 25.08.2022 lodged u/s 323, 504, 506 and 498-A of the I.P.C., 3/4 of Dowry Prohibition Act, 1961 at Police Station Ghazipur (Lucknow South Commissionerate), District - Lucknow.*

*(III) issue a writ, order or direction in the nature of **mandamus** commanding the respondent no.3 and 4 to arrest the accused person i.e. respondent no.5 in relation to the aforesaid First Information Report no.410 of 2022 dated 25.08.2022 and first information report no. 539 of 2022 dated 08.09.2022 and to ensure access of the petitioner to House No.992, Sector 12B, Vrindawan Yojana-3, Lucknow and all her belongings by providing adequate security to the petitioner."*

It is the case of the petitioner that she was married to the opposite party No.5 in 2008. They fell out because of several instances of cruelty. Now opposite party No.5 is working in USA and working from home online and living in India. The petitioner has filed two FIRs against the opposite party No.5 containing specific allegation but the police is not doing anything in the matter. Hence, the writ petition has been filed with the aforesaid prayers.

This writ petition is **disposed of** with the direction to the Investigating Officers of FIR/Case Crime No.0410 of 2022, u/s 323, 504, 506 and 498-A of the I.P.C., 3/4 of Dowry Prohibition Act, 1961 at Police Station Ghazipur (Lucknow South Commissionerate), District - Lucknow and FIR/Case Crime No.539 of 2022, u/s 323, 377, 406, 494, 498-A, 504 and 506 of the I.P.C., at Police Station PGI, (Lucknow East Commissionerate), Lucknow, respectively to submit the police report under Section 173 (2) Cr.P.C. before the competent court within a period of six weeks from the date of production of copy of this order before them.

Order Date :- 31.3.2023

ML/-