



2025:AHC:152797

## HIGH COURT OF JUDICATURE AT ALLAHABAD

### MATTERS UNDER ARTICLE 227 No. - 8247 of 2025

Nempal Singh

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

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Counsel for Petitioner(s)	:	Bhishm Pal Singh
Counsel for Respondent(s)	:	G.A.

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**Court No. - 85**

**HON'BLE NAND PRABHA SHUKLA, J.**

Heard Sri Dileep Singh Yadav, Advocate holding brief of Bhishm Pal Singh, learned counsel for the petitioner, learned AGA for the State and perused the record.

The present petition under Article 227 of the Constitution of India has been filed seeking the following relief:-

*"I. Issue an appropriate writ, order or direction in the nature of certiorari setting aside the impugned order dated 15.04.2025 passed by Learned Sessions Judge, Etah in criminal revision no. 205 of 2022 (Amar Sahay and others versus State of U.P.) as well as the impugned order dated 03.12.2024 passed by Learned Additional Civil Judge (Junior Division)/Judicial Magistrate, Court No. 23, Etah in Complaint Case No. 14892 of 2022 (Nempal Singh Versus Amit Kumar and others) under section 498-A, 306 I.P.C. Police Station Kotwali City, District Etah."*

Briefly stated, the petitioner lodged an FIR No. 0063 of 2019 under Sections 498A, 306 I.P.C., Police Station-Kotwali, District Etah, on 20.01.2019 against the respondent-accused and after the investigation final report was submitted.

Against the said final report, the petitioner filed a protest petition. The learned Magistrate treated the protest petition as a complaint case and after recording the statement of the complainant under Section 200 and 202 Cr.P.C., had rejected the complaint.

Aggrieved by the said order, the petitioner filed a Criminal Revision No.

355 of 2024 (Nempal Singh v. Amit Kumar and others) which was also dismissed on 21.04.2024.

The main submission of learned counsel for the petitioner is that the daughter of the petitioner namely Ms. Rashmi, was engaged with Amit Kumar and the marriage was to be solemnized in February, 2019. On 18.12.2018, the petitioner's daughter was found dead and assuming to be a natural death, she was cremated. After checking the mobile phone of the daughter, the petitioner came to know that Rashmi and the respondent No. 2, Amit Kumar, had conversed with each other on 18.12.2018 from 09:00 AM to 02:06 PM where-after Rashmi committed suicide due to demand of dowry made by respondent accused, therefore the matter needs to be investigated.

From the perusal of the records, it transpires that the incident took place on 18.12.2018 and the FIR was lodged at belated stage, on 21.01.2019. It also transpires that just after the incident, the dead body of the deceased Rashmi was cremated and no inquest or postmortem was conducted. There is no material on record to indicate that there was direct nexus of the respondents-accused with the deceased nor there is any material, which would indicate that the respondent-accused abetted the deceased to commit suicide. There is no suicide note of the deceased which would indicate that respondent-accused had incited the deceased to commit suicide. There is no incriminating material and no *mens rea* found against the accused. Therefore, the learned trial court has rightly rejected the complaint of the petitioner and there is no illegality in the order impugned. No interference is required.

Accordingly, the writ petition is dismissed.

**(Nand Prabha Shukla,J.)**

**August 29, 2025**  
Aditya Tripathi