

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 13336 of 2023

Petitioner :- Manoj Kumar And 5 Others

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

Counsel for Petitioner :- Satyaveer Singh

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Vivek Kumar Singh,J.

Heard learned counsel for the petitioners and learned AGA for the State.

The writ petition seeks quashing of the F.I.R. dated 2.7.2023 giving rise to Case Crime No.0487 of 2023, under Sections 498A, 376, 307, 323, 504, 506 I.P.C. and Section 3/4 of D.P. Act, Police Station- Kotwali Nagar, District- Etah.

The contention of learned counsel for the petitioners is that in a matrimonial dispute, on the basis of general allegations, the entire family has been falsely implicated by means of the impugned FIR.

Upon hearing learned counsel for the petitioners, learned counsel for the first informant and learned AGA for the State and on perusal of the impugned First Information Report, we find that the FIR discloses serious and direct allegations against petitioner nos.1, 4 and 5, husband. The writ petition on behalf of petitioner nos.1, 4 and 5 is not liable to be entertained. The petition, is therefore, being entertained only on behalf of petitioner nos.2, 3 and 6 against whom general allegations are levelled.

Issue notice to the respondent no.4, returnable within three weeks.

List this petition for admission on the date succeeding the date fixed in the notice for appearance of the respondents along with a tracking report.

Till the next date of listing, the petitioner nos. 2 and 3 may not be arrested consequent to the impugned F.I.R. dated 2.7.2023 giving rise to Case Crime No.0487 of 2023, under

Sections 498A, 376, 307, 323, 504, 506 I.P.C. and Section 3/4 of D.P. Act, Police Station- Kotwali Nagar, District- Etah.

This protection shall be available either till the next listing or till submission of police report under Section 173(2) Cr.P.C., whichever is earlier. It is also provided that the petitioner nos.2, 3 and 6 shall fully cooperate in the investigation, failing which they shall not be entitled to the benefit of this order.

The petition on behalf of petitioner nos.1, 4 and 5 is hereby dismissed as there are specific allegations against them.

Order Date :- 23.8.2023

Dev/-