

(2017) 07 AHC CK 0036
In the Allahabad High Court
Case No : 15848 of 2017

Arun Kumar Maurya & Anr.

APPELLANT

Vs

State Of Up Thru. Prin. Secy. Home & Ors.

RESPONDENT

Date of Decision : 19-07-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 173\(2\)](#) - Report of police officer on completion of Investigation
[Indian Penal Code, 1860](#), [Section 498A](#),
[Section 323](#), [Section 506](#), [Section 504](#) - Husband or relative of husband of a woman subjecting her to cruelty - Punishment for voluntarily causing hurt - Punishment for criminal ,intimidation - Intentional insult with intent to provoke breach of the peace
[Dowry Prohibition Act, 1961](#), [Section 3](#),
[Section 4](#) - Penalty for giving or taking dowry - Penalty for demanding dowry

Citation : (2017) 07 AHC CK 0036

Hon'ble Judges : Ramesh Sinha, Rekha Dikshit

Bench : Division Bench

Advocate : Girish Kumar "Kannoja"

Judgement

1. Heard Sri G.K.Kannoja, learned counsel for the petitioners, Sri G.D.Bhatt, learned A.G.A. for the State and perused the impugned FIR as well as material brought on record.
2. This petition has been filed by the petitioners with a prayer to quash the FIR dated 3.3.2017 registered as Case Crime No.115 of 2017, under Sections 498A, 323, 504, 506 I.P.C. & 3/4 D.P.Act, Police Station-Vibhuti Khand, District Lucknow.
3. Learned counsel for the petitioners submits that petitioner no.1 is husband of respondent no.4 as the marriage between them was solemnized in the year 2001 and from their wedlock two children were born. He further submits that it appears that respondent no.4 was having some relationship with another person which was disliked by petitioner no.1 and he resisted for the same, hence, the present FIR has been lodged by respondent no.4 against the petitioners with

malafide intention levelling false and frivolous allegation. From perusal of the FIR, offence is made out against the petitioners, hence the same be quashed.

4. Learned A.G.A. opposed the prayer for quashing of the FIR, but could not dispute the aforesaid fact as argued by learned counsel for the petitioners.

5. Considering the submissions advanced by learned counsel for the parties and nature of the allegations, it is directed that the petitioners shall not be arrested in above mentioned case, till the submission of the police report under section 173(2) Cr.P.C. but they shall co-operate with the investigation of the case.

6. With the above direction, this petition is finally disposed of.