
(2011) 10 UK CK 0094

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 943 of 2011 and Stay Application No. 11247 of 2011

Mukesh Rastogi and Others

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 31-10-2011

Acts Referred:

Constitution of India, 1950 — Article 226
Penal Code, 1860 (IPC) — Section 304B, 504, 506

Citation : (2011) 10 UK CK 0094

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Hon''ble Prafulla C. Pant, J.—Heard.

2. By means of this writ petition moved under Article 226 of Constitution of India, the petitioners have sought quashing of the First Information Report dated 06.10.2011, registered as Crime/F.I.R. No. Nil of 2011, relating to offences punishable u/s 304B, 504 and 506 I.P.C., police station Sitarganj, District Udham Singh Nagar.

3. Learned counsel for the petitioners submitted that petitioner No. 1 Mukesh Rastogi is husband, petitioner No. 2 Smt Indra is mother in law, petitioner No. 3 Nand Kishore is brother in law (JETH), petitioner No. 4 Raju is another brother in law (JETH), petitioner No. 5 Asha is sister in law (JETHANI), petitioner No. 6 Mamta is another sister in law (JETHANI) of the deceased. As to the petitioner No. 7 Rajendra it is pointed out that he is admittedly brother in law (BEHNOI), who lives in Rudrapur, District Udham Singh Nagar. All other petitioners are residents of District Rampur. It is also pointed out that after the unnatural death (within one year of marriage of the deceased) respondent No. 3 Yashoda (mother of the deceased), and her husband Nand Kishore took the dead body from the hospital as is clear from Annexure-2 to the petition. It is also submitted that

deceased was taken to the hospital by her husband.

4. Having considered submissions of learned counsel for the petitioners, and learned counsel for the state, and after going through the contents of First Information Report, keeping in mind the nature of offence, this court is not inclined to interfere with the investigation of the case.

5. Therefore, the writ petition is dismissed summarily. However, only as to the petitioner No. 7 Rajendra it is observed that he shall not be arrested during investigation, provided he cooperates with the investigating agency. (Stay Application No. 11247 of 2011 stands disposed of).