

(2011) 08 UK CK 0170

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 728 of 2011

Rupesh Agnihotri

APPELLANT

Vs

State of Uttarakhand and Charu Agnihotri

RESPONDENT

Date of Decision : 26-08-2011

Acts Referred:

Constitution of India, 1950 — Article 226
Hindu Marriage Act, 1955 — Section 9
Penal Code, 1860 (IPC) — Section 323, 498A, 504, 506

Citation : (2011) 08 UK CK 0170

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Prafulla C. Pant, J.—Heard.

2. By means of this writ petition moved under Article 226 of Constitution of India, the 2 Petitioner has sought quashing of the First Information Report dated 10.08.2011, registered as crime No. 109 of 2011, relating to offences punishable u/s 498A, 323, 504 and 506 Indian Penal Code, Police Station Raipur, District Dehradun.

3. There are specific allegations of cruelty against the husband made by the wife (Respondent No. 3). On the other hand, learned Counsel for the Petitioner submitted that the impugned FIR is counter blast to the affidavit filed by the Petitioner u/s 9 of Hindu Marriage Act, 1955.

4. Having considered submissions of learned Counsel for the Petitioner, and learned Counsel for the State, and after going through the papers on record, this Court is not inclined to interfere with the investigation of the case so far as it relates to the Petitioner who is husband of the complainant.

5. Therefore, without expressing any opinion in the matter, the writ petition is dismissed summarily with the observation that if the Petitioner Rupesh Agnihotri

surrenders before the court concerned his bail application shall be heard, and disposed of without unreasonable delay. (Stay application No. 8790 of 2011, stands disposed of).