

(2011) 07 UK CK 0182

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 539 of 2011

Smt. Kedari Devi and Master Sanju through his mother
Kedari Devi Both

APPELLANT

Vs

State of Uttarakhand and Rajeshwari Devi

RESPONDENT

Date of Decision : 15-07-2011

Acts Referred:

Constitution of India, 1950 — Article 226
Penal Code, 1860 (IPC) — Section 304B, 498A

Citation : (2011) 07 UK CK 0182

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Judgement

Prafulla C. Pant, J.—Heard.

2. By means of this petition moved under Article 226 of Constitution of India, the Petitioners have sought quashing of the First Information Report dated 28.06.2011, registered as crime No. 3 of 2011, relating to offences punishable u/s 304B, 498A, IPC, Revenue Police Circle, Kandarsyun-3, Tehsil Thalishain, District Pauri Garhwal.

3. Learned Counsel for the Petitioners submitted that the Petitioners are falsely implicated in the case. It is further pointed out that Petitioner No. 2 Master Sanju, is aged 13-14 years only, and his date of birth is 05.09.1997. The Petitioner No. 1 Kedari Devi is mother-in-law of the deceased.

4. Having considered submissions of learned Counsel for the Petitioners, and learned Counsel for the State, this writ petition is dismissed summarily without interfering with the investigation but with the observation that Petitioner No. 2 Master Sanju who is minor shall not be arrested during investigation, provided that he co-operates with the investigating agency. It is further observed that Petitioner No. 1 Kedari Devi, if surrenders before the court concerned her bail application shall be heard, and disposed of without unreasonable delay. (Stay application No. 6674 of 2011, stands disposed of).