

**Court No. - 10**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 9649 of 2023

**Petitioner :-** Saurabh Mishra And Others

**Respondent :-** State Of U.P. Thru. Secy. Ministry Of Home Lko. Thru. Prin. Secy. And Others

**Counsel for Petitioner :-** Prashant Kumar, Anurag Arora

**Counsel for Respondent :-** G.A.

**Hon'ble Mrs. Sangeeta Chandra, J.**

**Hon'ble Narendra Kumar Johari, J.**

1. Heard learned counsel for the petitioners and learned A.G.A. for the State Respondents.

2. This writ petition has been filed with the following main prayers:-

*"1. issue an appropriate writ, order or direction in the nature of certiorari quashing the impugned F.I.R. dated 15/07/2023 registered as Case Crime No.- 0281 of 2023 Under Section 498A, 504 of Indian Penal Code & u/s 3, 4 DP Act, 1961 registered at P.S.: Krishnanagar, Lucknow South (Commissionerate Lucknow) District: Lucknow. annexed as Annexure No.1 to this writ petition.*

*2. Issue a writ or direction in the nature of mandamus commanding the opposite parties not to arrest the petitioners in F.I.R. dated 15/07/2023 registered as Case Crime No.- 0281 of 2023 Under Section 498A, 504 of Indian Penal Code & u/s 3, 4 DP Act, 1961 registered at P.S.: Krishna Nagar, Lucknow South (Commissionerate Lucknow) District: Lucknow."*

3. It has been submitted by the learned counsel for the petitioners that the impugned F.I.R. does not make out any allegations of Section 498-A, in fact, the informant/opposite party no. 5 has already filed a Suit for Dissolution of Marriage under Section 12(1) (1) of the Hindu Marriage Act, a copy of such plaint filed before the Principal Judge, Family Court, Lucknow North has been filed as annexure-02 to the petition.

4. It has been further submitted by the learned counsel for the petitioners that the dispute is matrimonial in nature and can be amicably settled through mediation.

5. List this case on 04.01.2024.

6. Learned A.G.A. shall inform the Station House Officer, Police Station- Krishna Nagar, District- Lucknow South (Commissionerate Lucknow), who shall ensure the presence of the respondent no.5- **Smt. Shubadra Shukla** before this Court on the next date of listing, only to ascertain her willingness to try and settle the dispute amicably through mediation.

7. The petitioner no.1- **Saurabh Mishra** shall also remain present on the next date of listing.

8. Till the next date of listing, the arrest of the petitioners in pursuance to the impugned First Information Report dated 15.07.2023 shall remain **stayed**, of course, subject to the restraint that the petitioners shall fully cooperate with the investigation and shall appear as and when called upon to assist in the investigation.

**Order Date :- 20.12.2023**

Darpan Sharma