

(2011) 02 UK CK 0050

Uttarakhand High Court

Case No: Criminal Writ Petition No. 125 of 2011 and CLMA No. 1229 of 2011

Mahavir, Pravesh and Minakshi

APPELLANT

Vs

State of Uttarakhand and Sanjay
Kumar

RESPONDENT

Date of Decision: Feb. 25, 2011

Acts Referred:

- Constitution of India, 1950 - Article 226
- Penal Code, 1860 (IPC) - Section 302

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 Petitioners have sought quashing of the First Information Report dated 11.02.2011, registered as Crime No. 52 of 2011, relating to offence punishable u/s 302 I.P.C., at Police Station Gangnagar, District Haridwar.

3. Learned Counsel for the Petitioners submitted that the marriage of the Petitioner No. 1 (Mahavir) with the deceased was 30 years old. It is pointed out that Petitioner No. 2 (Pravesh) is son of the deceased and Petitioner No. 3 (Minakshi) is daughter in law of the deceased. It is argued that in order to grab the property of the Petitioners the First Information Report has been lodged by the nephew of the deceased.

4. It is quite possible that Petitioners might be innocent, but the allegation in the First Information Report is that the deceased (Smt Kaushal) was murdered in the intervening night 31.01.2011/ 1.02.2011, and the deceased appears to have died of burn injuries.

5. In the above circumstances, without expressing any opinion as to final merits of the case, this Court is of the view that it is not a fit case for interference with investigation of the case. Accordingly, the writ petition is dismissed summarily, with the observation that if the Petitioners Mahavir, Pravesh and Minakshi surrender before the court concerned, their bail application shall be heard and disposed of without unreasonable delay. (Stay Application No. 1229 of 2011 also stands disposed of).