



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. WRIT PETITION No. - 8211 of 2025

Dhirendra Singh And Others

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Deptt. Lko.
And Others

.....Respondent(s)

Counsel for Petitioner(s)	: Rahul Mishra, Ravi Mishra
Counsel for Respondent(s)	: G.A.

Court No. - 10

**HON'BLE RAJNISH KUMAR, J.
HON'BLE RAJEEV SINGH, J.**

1. Vakalatnama filed by Mrs. Suniti Sachan, Advocate and Sri Gangeshwar Pandey, Advocate on behalf of the respondent no.4 is taken on record.

2. Heard learned counsel for the petitioners, learned A.G.A. as well as learned counsel for the respondent no.4.

3. This petition has been filed with the following prayer :-

A. Issue a writ, order or direction in the nature of certiorari thereby quashing the impugned first information report lodged by the opposite party no. 4, on dated 13.06.2025, F.I.R. No. 0147 of 2025, under section-376, 498-A, 323, 506 I.P.C. and section- 3/4 D.P at Police Station- Bhigapur, District- Unnao, in the interest of justice. Contained in Annexure No. 1 to this writ petition.

B. Issue a writ, order or direction in the nature of mandamus directing the opposite party no.2 and 3 not to arrest the petitioners in the impugned first information report lodged by the opposite party no. 4, on dated 13.06.2025, F.I.R. No. 0147 of 2025, under section-376, 498-A, 323, 506 I.P.C. and section- 3/4 D.P at Police Station- Bhigapur, District- Unnao, in the interest of justice, Contained in Annexure No.1 to this writ petition.

4. Learned counsel for the petitioners submit that petitioner no.1, 2 and 3 are brother-in-law, mother-in-law and sister-in-law of the complainant, respectively. He further submits that as per the prosecution case, marriage of the complainant was solemnized with Jitendra Singh (brother of the petitioner no.1, 3 & son of the petitioner no.2) on 3.3.2023, thereafter husband of the complainant was found impotent, then she informed the same to her family members but the petitioners tried to convince her that everything would be normal, as a result, she started living with them. Petitioner no.1 made physical relations with the complainant and later on, petitioners informed to the complainant that her marriage would be solemnized with the petitioner no.1 because her husband is not physically fit but on 7.12.2023, marriage of petitioner no.1 was solemnized with some other girl and life threat was given to her by the petitioners, therefore, she left her in-laws house and started living in her parental house. He also submits that complainant was reluctant to live with her husband as well as petitioners from the initial stage as she wants to live separately, as a result, on the basis of concocted facts, F.I.R. of the case in question was lodged after about two years from the date of alleged incident, which was not taken place. He also drew attention on the report of Department of Radiodiagnosis, G.S.V.M., Medical/L.L.R. & Associated Hospital, Kanpur (Ultrasonography/Color Doppler Report) and submits that husband of the respondent no.4 is fit for cohabitation. He further submits that petitioners are ready to cooperate in the investigation, they do not have any criminal antecedent and the genesis of the prosecution case is of matrimonial dispute, therefore, indulgence of this Court is necessary.

5. Learned A.G.A. as well as learned counsel for the respondent no.4 vehemently oppose the prayer of the petitioners and submit that anticipatory bail of the petitioner no.1 was filed, which was rejected by the learned Sessions Judge, Unnao vide order dated 20.8.2025. They further submit that after going through the contents of the F.I.R., prima facie offence is made out but they do not dispute that as per the F.I.R., marriage of petitioner no.1 was not solemnized with the respondent no.4/complainant but his marriage was solemnized with some other girl, thereafter, complainant lodged F.I.R. They also do

not dispute the fact that prima facie it shows that the physical relations between the petitioner no.1 and complainant was consensual.

6. In view of the above, matter requires consideration.

7. Two weeks time is granted to learned A.G.A. as well as learned counsel for the complainant. Thereafter, one weeks time is granted to learned counsel for the petitioner to file rejoinder affidavit.

8. List immediately thereafter.

9. In the meantime, petitioner shall not be arrested in connection with the F.I.R./Case Crime No. 0147 of 2025, under section-376, 498-A, 323, 506 I.P.C. and section- 3/4 D.P at Police Station- Bighapur, District - Unnao

10. Registry is directed to show the name of Mrs. Suniti Sachan, Advocate and Sri Gangeshwar Pandey, Advocate as counsel for the complainant in the cause list, whenever the case is next listed.

(Rajeev Singh,J.) (Rajnish Kumar,J.)

September 9, 2025

GauraV/-