

Court No. - 9

WWW.LIVELAW.IN

Case :- MISC. BENCH No. - 19160 of 2021

Petitioner :- Mrs. Umme Kulsum

Respondent :- State Of U.P. Thru. Prin. Secy. Home & Ors.

**Counsel for Petitioner :- Syed Mehfuzur Rehman, Vikas
Vikram Singh**

Counsel for Respondent :- G.A.

Hon'ble Ramesh Sinha, J.

Hon'ble Mrs. Saroj Yadav, J.

Heard Shri Vikas Vikram Singh, learned counsel for the petitioner and Smt. Meera Tripathi, learned A.G.A. for the State/respondent nos.1, 2 and perused the impugned F.I.R. as well as material brought on record.

The instant writ petition has been filed by the petitioner- **Mrs. Umme Kulsum**, seeking following reliefs:

"(i) issue a writ order or direction in the nature of certiorari for quashing the impugned order dated 10.08.2021 passed by the Police Commissioner, Lucknow/opposite party no.2, as contained in Annexure No.1 to this writ petition, after summoning the original form the opposite party no.2.

(ii) issue a writ order or direction in the nature of mandamus commanding the opposite parties not to give effect to the impugned order dated 10.08.2021, as contained in Annexure no.1 to the writ petition."

It has been argued by learned counsel for petitioner that the petitioner is the complainant of the present case and she had lodged an Case Crime/F.I.R. No.176 of 2021, under Sections 498-A, 323, 506, 507, 384 I.P.C., Sections 3, 4 of Dowry Prohibition Act, 1961 and Sections 3, 5(1) of U.P. Prohibition of Unlawful Religious Conversion Ordinance, 2020, Police Station Indira Nagar, District Lucknow against accused respondent nos.3 and 4, a copy of the same is annexed as Annexure No.3 to the writ petition. He further submits that respondent no.2/Police Commissioner, U.P., Lucknow had transferred the investigation of the present case to Commissioner of Police, Bangalore City,

Karnataka by impugned order dated 10.08.2021, a copy of the same is annexed as Annexure No.1 to the writ petition. He further submits that the impugned order dated 10.08.2021 is liable to be quashed on the ground that it is a matrimonial dispute and simply because some part of the incident has taken place at Bangalore, cannot be a ground for transfer of the investigation to another place as the offence under Section 498-A I.P.C. is a continuing offence.

Since Smt. Meera Tripathi, learned A.G.A. has put in appearance on behalf of respondents no. 1, 2, hence no fresh notices need to be issued to them.

Issue notice to accused-respondent nos. 3 and 4. Steps be taken within ten days.

Learned A.G.A. prays for and is allowed two weeks' time to file a counter affidavit in the matter.

Let the matter be listed on **27.09.2021**.

Till the next date of listing, effect and operation of impugned order dated 10.08.2021 passed by respondent no.2/Police Commissioner, U.P., Lucknow shall remain stayed.

(Saroj Yadav,J.) (Ramesh Sinha,J.)

Order Date :- 2.9.2021

Shubhankar