

Court No. - 81

Case :- MATTERS UNDER ARTICLE 227 No. - 1709 of 2023

Petitioner :- Sandeep Kumar

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Indra Dev, Bijai Prakash Tiwari

Counsel for Respondent :- G.A.

Hon'ble Mrs. Jyotsna Sharma, J.

Heard Sri Bijai Prakash Tiwari, learned counsel for the petitioner and Sri S.C. Mishra, learned A.G.A. for the State.

This petition has been filed challenging the order dated 26.11.2022 by which the court concerned rejected the application moved on behalf of the first informant. It may be noted that first informant had moved an application for immediate arrest of the accused persons and for issuance of N.B.W. The court heard the matter and dismissed the application. Besides challenging the aforesaid order, the petitioner has further prayed for directing the respondent nos. 2 and 3 to ensure fair investigation.

Learned A.G.A. has submitted that in the above noted case, after investigation, a final report has been submitted before the court concerned on 1.12.2022. This fact has specifically been stated in para-3 of the counter affidavit.

In view of the facts that a final report has been submitted, the petitioner, obviously, has a remedy of filing protest application, if he finds it so desirable. The cause of action, for any relief by means of this petition moved under article 227 no longer survives, hence, this petition is therefore **dismissed**.

Order Date :- 31.10.2023

Sumit Kumar