

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 13735 of 2023

Petitioner :- Smt Sudha Gupta

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Kunjesh Kumar Dubey

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Sri Kunjesh Kumar Dubey, learned counsel for the petitioner and Sri G.P. Singh, learned A.G.A. appearing for the State respondents.

2. Present petition has been filed with the following prayers:-

"A. A writ order or direction in the nature of mandamus directing to the respondent no. 2 for investigate the matter in any other police station or any other agency in first information report dated 01.12.2022 in case crime no. 604 of 2022 under section 419, 420, 354, 504, 506, 406, 467, 468, 471 I.P.C. at P.S. Jhunsi, District Prayagraj."

3. Vide orders of this Court dated 25.9.2023 and 11.10.2023 learned A.G.A. was directed to seek instructions in the matter.

4. Today learned A.G.A. submits that he has received instructions under the signatures of the respondent no. 2-Police Commissioner, Prayagraj and according to which fifteen independent witnesses have been examined and the matter is pending investigation.

5. Learned counsel for the petitioner submits that only independent witnesses have been examined.

6. Be that as it may, in the present case the petitioner is seeking transfer of the investigation from one police station to another police station or to any other agency, we find that the grievance of the petitioner can be suitably redressed by the respondent no. 2-Police Commissioner, Prayagraj in the light of Circular No. DG 27 of 2014 dated 10.5.2014 issued in this respect. For this purpose the petitioner is at liberty to move application / representation before the respondent no. 2, who shall consider the same on its own merits without being influenced by any observation made in this

order preferably within a period of one month.

7. With the aforesaid observations, present petition stands disposed of.

Order Date :- 18.10.2023

Lalit Shukla