

Court No. - 40

Case :- WRIT - C No. - 37076 of 2023

Petitioner :- Sarita Vishwakarma

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Anil Kumar Mishra

Counsel for Respondent :- CSC

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Ms. Nand Prabha Shukla,J.

1. Heard Sri Anil Kumar Mishra, learned counsel for the petitioner and Sri Sharad Chandra Upadhyay, learned Standing Counsel for the State respondents.

2. The present writ petition is preferred questioning the validity of the impugned order dated 17.11.2022 passed by the Senior Superintendent of Police, Prayagraj and further prayed for a mandamus commanding the respondent to enquire into the matter, to provide security and to take appropriate action in the matter.

3. At the very outset, learned Standing Counsel raised an objection regarding the maintainability of the writ petition on the ground that earlier the petitioner had filed Writ-C No.25291 of 2020 (Sarita Vishwakarma vs. State of UP and 6 Others), wherein she had alleged that the family members of the petitioner are interfering in her peaceful life. In the said proceeding, she had also alleged that the private respondent nos.6 and 7, who are maternal uncles, are threatening and harassing the petitioner as well as her husband. As such she prayed for to provide security to her as well as her husband. The said writ petition was disposed of vide order dated 6.1.2021 leaving it open to the petitioner to move an application to the Senior Superintendent of Police, Prayagraj for redressal of her grievance. In response thereof, the order impugned has been passed. He submits that at this belated stage, the writ petition is liable to be dismissed with exemplary cost. He has further raised an objection that the petitioner's husband is having criminal antecedents. Even against him a First Information Report was lodged on 01.08.2021 which was registered as Case Crime No.379/2020 under Sections 354A, 506, 323 read with Section 3/4 DP Act, P.S. Sarai Inayat, Prayagraj. Even in the said proceeding, police report has already been submitted and the competent court has also taken cognizance. The said proceeding was also under

challenge before the High Court in an application under Section 482 CrPC, wherein learned Single Judge has given leave to the petitioner's husband to move appropriate discharge application before the court concerned. It is alleged that present writ petition is an afterthought and at this belated stage, the writ petition being devoid of merit is liable to be dismissed. He lastly submits that if the petitioner is aggrieved, she may approach the District Level Security Committee for her grievance.

4. Considering the facts and circumstances of the case and in view of the categorical instructions, we are not inclined to proceed further in the matter. Needless to say, if the petitioner is aggrieved, she may approach the District Level Security Committee, at the first instance, for redressal of her grievance.

5. The writ petition stands **disposed of** accordingly.

Order Date :- 28.10.2023

Shivani