

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 15163 of 2023

Petitioner :- Shahida Khatoon

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Manish Kumar Pandey, Santosh Kr. Singh Paliwal

Counsel for Respondent :- G.A., Janardan Yadav

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Shri Manish Kumar Pandey, learned counsel for the petitioner, Shri Janardan Yadav, learned counsel for the informant and Shri G.P. Singh, learned AGA for the State respondents.

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

"I. Issue a writ, order or direction in the nature of mandamus directing the investigation of the case in pursuance of F.I.R. dated 11.07.2023 in Case Crime No.379 of 2023, under Sections 307, 328, 420 IPC, Police Station Kotwali, District Azamgarh which is being investigated by respondent no.3 be transfer to respondent no.4 so that the investigation of the case may be investigated properly and fairly according to law."

3. We find that the F.I.R. in question is dated 11.07.2023 and the grounds seeking transfer of the aforesaid case is that the Investigating Officer has not recorded the statements in the present case till date.

4. Learned AGA on instructions pointed out that as per the direction of the Chief Judicial Magistrate concerned dated 13.09.2023 the investigation of the case has been transferred to other Investigating Officer by the Inspector General concerned vide order dated 15.09.2023.

5. At this stage, learned counsel for the petitioner submitted that he may be permitted to withdraw the present petition.

6. Prayer aforesaid is allowed.

7. Accordingly, present petition stands dismissed at this stage.

Order Date :- 31.10.2023

Nitendra