

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 16322 of 2023

Petitioner :- Babulal Kushwaha

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

Counsel for Petitioner :- Prateek Samadhiya

Counsel for Respondent :- G.A.

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Syed Aftab Husain Rizvi,J.

Heard learned counsel for the petitioner and learned AGA for the State.

Records reveal that a First Information Report in Case Crime No.278 of 2022, under Section 302, 201 IPC, Police Station Moth, District Jhansi was lodged by the Village Chowkidar. Ultimately a final report was submitted in the matter treating the dead body to be of an unknown person. The petitioner asserts that the dead body in fact is that of his daughter and that though he had approached the police authorities but the dead body was not given to him and the cremation was undertaken treating the body to be of an unknown person.

Learned AGA points out that a closure report has already been submitted, which is pending at the level of the concerned Magistrate.

In the facts of the case, all factual issues, as are being raised by the petitioner, are to be highlighted by moving appropriate application before the concerned Magistrate, who may, if necessary, treat the application of the petitioner as an application under Section 156(3) Cr.P.C., so that the allegation made by the petitioner are duly investigated. All such issues would be open for examination before the concerned Magistrate, who is seized of the closure report.

Leaving it open for the petitioner to pursue such remedy before the competent forum, this petition is consigned to records.

Order Date :- 1.12.2023

Anil