

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 15357 of 2023

Petitioner :- Awadh Narayan Yadav

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

Counsel for Petitioner :- Kailash Singh Yadav

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Shri Kailash Singh Yadav, learned counsel for the petitioner and learned AGA for the State respondents.

2. This writ petition has been filed with a prayer to issue an interim mandamus commanding respondent no. 3 to conduct the investigation fairly in Case Crime No. 0630 of 2022, under Sections 420, 384, 406, 323, 120B, 504, 506 I.P.C., P.S. Vrindavan, District Mathura.

3. From perusal of the record, we find that on the earlier occasion, the petitioner has filed this writ petition for the same relief by filing Criminal Misc. Writ Petition No.12775 of 2023 (Awadh Narayan Yadav Vs State of U.P. and 6 others), which was dismissed vide order dated 23.08.2021, which is quoted below -

"1. Heard Shri Kailash Singh Yadav, learned counsel for the petitioner and Shri Rajesh Kumar Madhesiya, learned State Law Officer for the State respondents.

2. This writ petition has been filed with a prayer to issue an interim mandamus commanding respondent no. 3 to conduct the investigation fairly in Case Crime No. 0630 of 2022, under Sections 420, 384, 406, 323, 120B, 504, 506 I.P.C., P.S. Vrindavan, District Mathura.

3. Learned State Law Officer for the State-respondents submitted that the charge-sheet no. 113 of 2023 has been filed on 19.03.2023 and charge-sheet no. 113A of 2023 has been filed on 03.04.2023 against all the accused persons and as such, the cause for filing present writ petition no more survives.

4. In view of above, the writ petition is dismissed as having become infructuous."

3. By drawing attention to the question answer annexed as

Annexure 5 to the writ petition, it was submitted that the charge sheet has not been filed till date in the Court concerned.

4. In view of above, we find that the present petition for the same relief on the ground is patently misconceived. The investigation is over, the charge-sheet and supplementary charge-sheet has been prepared by the investigating officer and the investigation has been completed and the charge sheets have already been forwarded by him. There remain nothing in his hand at this stage to investigate unless order for further direction is given either by the higher authority or by the court concerned.

5. The the writ petition is dismissed.

Order Date :- 16.10.2023

RKM