

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 17040 of 2023

Petitioner :- Pushpa Devi And Another

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

Counsel for Petitioner :- Awadhesh Kumar Sharma, Indresh Chandra

Counsel for Respondent :- G.A., Dhananjay Kumar

Hon'ble Vivek Kumar Birla, J.

Hon'ble Anish Kumar Gupta, J.

1. Heard Sri Awadhesh Kumar Sharma, learned counsel for the petitioners, Sri Dhananjay Kumar, learned counsel for the informants and Sri Vivek Shukla, learned A.G.A. for the State.

2. This writ petition has been filed for the following relief:

"A. Issue a writ, order or direction in nature of mandamus commanding to respondent no.2/Director General of Police U.P. Govt. Lucknow, to transfer the investigation of crime no.- 0227/2023, U/S 147, 148, 149, 302, 34 I.P.C., 7 Criminal Amendment Law-Act-1932 and - 3(2) (v) of SC/ST-Act 1989 to Crime Branch Criminal Investigation Department (C.B.C.I.D.) and further direct to file a periodic investigation report before this Court within a time which may be stipulated by this Hon'ble Court till the charge sheet is filed before the competent court.

B. Issue any other order or direction which this Hon'ble Court deem fit and proper under the facts and circumstances of the case."

3. Admittedly, the writ petition filed by one co-accused, namely Rajendra Singh, challenging the F.I.R. has been dismissed by this Court vide order dated 19.10.2023. Now, the other co-accused have come forward seeking with the prayer so made in the present petition that the matter may be referred to Crime Branch, C.B.C.I.D.,

4. We find that the first information report is very recent and was lodged on 15.02.2023 and the petitioners no. 1 is wife of one of the accused, namely Amar Singh, and petitioner no.2, who is himself accused in the present petition. The present petition at their instance is not maintainable and is accordingly **dismissed**.

Order Date :- 20.11.2023

Shubham Arya