

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 16952 of 2023

Petitioner :- Rajoo Gupta

Respondent :- State Of U.P And 4 Others

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Vivek Kumar Singh,J.

Heard the petitioner in person through video conferencing and learned A.G.A.

This writ petition has been filed seeking following reliefs :-

- *a. Issue a writ in the nature of Mandamus or any other appropriate writ/ direction to appropriate respondents to take appropriate legal action / inquiry / proceedings against SHO P.S. Pipraich, SI Nagendra Mani, CT. Jitendra Maurya and the other Police Officials of PS- Pipraich, Distt. Gorakhpur (arraigned in the memo of parties at serial No. 5, through the SHO, P.S. Pipraich) .*
- *b. Issue a writ in the nature of Mandamus or any other appropriate writ/direction to the Respondent No. 4 directing them to drop/quash the proceedings vide Case No. 1470/ 2023, u/s 151/107/116 Cr.P.C, PSPipraich, initiated against Petitioner before the Respondent No. 4, the same having been initiated/ proceeded in violation of Section 107 / 111 Cr.P.C. and relying on the facts as presented by the Respondent No. 5 without any application of judicial mind.*
- *c. Quash the proceedings vide Case No. 1470/ 2023 u/s 151/107/116 Cr.P.C, PS- Pipraich, initiated against Petitioner before the Respondent No.4, the same having been initiated/ proceeded in violation of Section 107 / 111 Cr.P.C. and relying on the facts as presented by the Respondent No. 5 without any application of judicial mind.*
- *d. Pass an appropriate order/direction against appropriate respondents to pay a compensation of Rs. 50,00,000/- to petitioner."*

The petitioner is aggrieved by the notice issued to him under Section 151/107/116 Cr.P.C, Police Station Pipraich, District Gorakhpur in regard to Case No.1470 of 2023.

The petitioner submits that he has already filed reply to the notice on 31.7.2023. He has also filed an application for personal exemption and that his counsel is appearing on his behalf for 3 to 4 dates even thereafter no orders have been passed by the concerned Magistrate till date. It is also submitted that the concerned Magistrate has no time to apply his mind to the case of the petitioner.

In view of the situation stated above this petition is disposed of with direction that the concerned Magistrate shall make his all endeavour to decide Case No.1470 of 2023, under Section 151/107/116 Cr.P.C, Police Station Pipraich, District Gorakhpur, as expeditiously as possible, preferably within a period of six weeks from the date a certified copy of this order is produced before him.

Subject to above observation the writ petition stands disposed of.

Order Date :- 30.10.2023

Dev/-