

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 17971 of 2023

Petitioner :- Smt. Suman Mishra

Respondent :- State Of U.P. And 10 Others

Counsel for Petitioner :- Anand Pati Tiwari

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Shri Rajiv Lochan Shukla, holding brief of Shri Anand Pati Tiwari, learned counsel for the petitioner, Shri Ratan Singh, learned AGA for the State-respondents, and perused the records.

2. In pith and substance, the petitioner is seeking direction to respondent no.2 to supervise the investigation in respect of the impugned First Information Report dated 1.6.2023, registered as Case Crime No.0109 of 2023, under Sections 302, 328, 379 IPC, Police Station Haldi, District Ballia.

3. Submission of learned counsel for the petitioner is that the investigation is not being conducted in the fair manner, and therefore, a direction be issued to respondent no.2- Superintendent of Police, District Ballia to supervise the investigation.

4. Learned A.G.A. on instructions submits that non-bailable warrant was issued on 18.10.2023.

5. On perusal of the record, we find that in the present case an application under section 156(3) Cr.P.C. was initially filed seeking registration of First Information Report, however, before disposal of the said application, the FIR was registered on 1.6.2023, subsequently, the petitioner filed another application under section 156(3) Cr.P.C. seeking proper investigation, which was disposed of vide order dated 13.7.2023, wherein a categorical direction has been issued that in the pending investigation on issue nos.1 to 4 the investigation may be conducted in the fair manner.

6. In such view of the matter, we do not find any good ground to entertain the present petition when the petitioner has already availed statutory remedy under section 156(3) Cr.P.C. In case the

petitioner is still with any grievance, he may approach the court concerned under section 156(3) Cr.P.C.

7. With the aforesaid observations, the instant petition is disposed off.

Order Date :- 28.11.2023

Anil K. Sharma