

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 17670 of 2023

Petitioner :- Achhaibar Patel

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

Counsel for Petitioner :- Bharti Mishra

Counsel for Respondent :- G.A.

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Syed Aftab Husain Rizvi,J.

This petition has been filed by the informant with the grievance that though a first information report has been lodged in Case Crime No.0068 of 2023, under Sections 419, 420, 467, 468, 471 I.P.C., Police Station - Phoolpur, District - Varanasi, pursuant to a direction issued by the Magistrate under Section 156(3) Cr.P.C. but till date investigation is not being carried out in the matter.

Learned AGA submits that there is a property dispute and investigation is undergoing.

In the facts of the case, we are not inclined to entertain the present petition, particularly when remedy available to petitioner is to approach the Magistrate in terms of Section 156 Cr.P.C. Even otherwise the FIR has been lodged pursuant to a direction issued by Magistrate.

Leaving it open for the petitioner to pursue the remedy before the concerned Magistrate, in the event petitioner is not satisfied with the investigation, this petition is consigned to records.

Order Date :- 4.12.2023

RA