

Court No. - 40

Case :- WRIT - C No. - 39354 of 2023

Petitioner :- Rajeev Kumar

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Rajeev Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard the petitioner in person, who is practising Advocate and Shri R.M. Upadhyay, learned Addl. Chief Standing Counsel.

2. Present writ petition has been preferred for following relief:-

"(I) Issue a writ, order or direction in the nature of mandamus directing the respondent nos.2 & 3 to provide protection to the petitioner in pursuance of the FIR dated 27.10.2023 lodged by respondent no.4 as Case Crime No.0364 of 2023 under Section 366, 323, 504, 506 IPC, Police Station Khaga District Fatehpur as well as issue an ad-interim mandamus commanding the respondent no.3 not to involve the petitioner in the present case."

3. On the matter being taken up on 16.11.2023, we have proceeded to pass the following order:-

"1. The petitioner is a practicing Advocate of this Court and is having standing of more than 23 years with unblemished track record. He submits that being an Advocate he has received instructions on behalf of one Smt. Pratiksha Singh wife of Shivam Yadav and three others, for filing the writ petition seeking civil protection on the ground that both are major and had solemnized their marriage, which is also registered. Even though, the writ petition was drafted but the same could not be filed on account of lodging of the First Information Report by father of Mrs. Pratiksha Singh, which was registered as Case Crime No. 0364 of 2023, under Sections 366/323/504/506 IPC, P.S. Khaga, District Fatehpur. It has been claimed that in the said proceeding, investigation is in progress but being Advocate of Mrs. Pratiksha Singh, the local police is unnecessarily harassing the petitioner, who has no complicity in aforesaid Case Crime.

2. Considering the facts and circumstances, let Sri R.M.Upadhyay Additional Chief Standing Counsel seek necessary instructions in the matter.

3. Put up this matter on 30.11.2023 as fresh."

4. In response to the aforesaid order, learned Addl. Chief Standing Counsel has placed the detailed instructions dated 23.11.2023 sent by the Sub Inspector, P.S. Khaga, Distt. Fatehpur, which is taken on record. A copy of the said instructions is also given to the petitioner. On the basis of instructions, he submits that investigation in Case Crime No.0364 of 2023 under Section 366, 323, 504, 506 IPC, Police Station Khaga District Fatehpur is in progress, wherein the petitioner has no complicity and there is no harassment of the petitioner in the ongoing investigation in the

matter.

5. Considering the facts and circumstances as well as the categorical instructions, we are not inclined to proceed further in the matter. The writ petition stands **disposed of** in terms of the instructions.

Order Date :- 1.12.2023

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