

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 18267 of 2023

Petitioner :- Ashish Tripathi

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Saurabh Tripathi

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Saurabh Tripathi, learned counsel for the petitioner and Sri G.P. Singh, learned A.G.A. appearing for the State respondents.

2. Present petition has been filed with the following prayers:-

*"I) Issue a writ, order or direction in the nature of **MANDAMUS** to transfer the investigation of Case Crime No.477 of 2023 U/S 306, 504 IPC, registered at Police Station Kayamganj, District Farrukhabad concerning Police Station Kayamganj to any other Police Station or District for the purpose of fair investigation.*

*II) Issue a writ, order or direction in the nature of **MANDAMUS** and direct the respondent no.2 to appoint officers of the police or others in whose integrity, Independence and competence this Hon'ble Court has confidence for conducting and/or supervising the said investigation, otherwise the petitioner would suffer irreparable loss.*

3. As per prayer clause it is clear that the petitioner is seeking transfer of the investigation from one police station to another police station or to any other agency, we find that the grievance of the petitioner can be suitably redressed by the respondent no. 3- Superintendent of Police, Farrukhabad, District Farrukhabad in the light of Circular No. DG 27 of 2014 dated 10.5.2014 issued in this respect.

4. For this purpose the petitioner is at liberty to move application / representation before the respondent no. 3, who shall consider the same on its own merits without being influenced by any observation made in this order preferably within a period of one month from the date of filing such application/representation

before the respondent no.3.

5. With the aforesaid observations, present petition stands disposed of.

Order Date :- 14.12.2023

Nitendra