

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 18099 of 2023

Petitioner :- Shailendra Gupta

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

Counsel for Petitioner :- R.K. Mishra

Counsel for Respondent :- G.A.

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Syed Aftab Husain Rizvi,J.

Limited prayer made in the writ petition is to command the respondents to conclude the investigation pursuant to Case Crime No. 101 of 2022 under Sections 498A, 504, 506, 509, 352 I.P.C. and Section 3/4 D.P. Act, on the ground that sufficient period has expired but investigation is not being concluded on the basis of evidence and material existing on record.

Learned AGA states that such grievance of the petitioner can more appropriately be examined by the second respondent at the first instance.

Considering the nature of order proposed to be passed, we do not deem it necessary to issue notices to private respondents nos.5 to 11.

It transpires that pursuant to the F.I.R. lodged by the petitioner, the investigation was, ultimately, concluded and a charge-sheet was submitted on which cognizance was taken by the Court concerned. It is thereafter that the petitioner moved an application before the supervisory Officer for investigation to be transferred to Kotwali, Commissionerate, Kanpur Nagar. On the request of the petitioner, investigation has been transferred on 25.10.2023. Hardly any time has passed since then. In such circumstances, we do not find any occasion for this Court to interfere in the matter at this stage or to expedite the investigation. Petitioner, otherwise, has the remedy of approaching either the Supervisory Authority or the Magistrate, in the event investigation is not concluded expeditiously.

Subject to the observations made above, this petition is consigned to records, at this stage.

Order Date :- 22.11.2023

SP/-