

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 4339 of 2023

Petitioner :- Smt. Khuloos Fatima

Respondent :- State Of U.P. Thru. Secy. Home Deptt. Lko. And Others

Counsel for Petitioner :- Arshad Jameel, Mohammad Naseem, Mohd. Salman

Counsel for Respondent :- G.A.

Hon'ble Manish Mathur, J.

Hon'ble Umesh Chandra Sharma, J.

Heard learned counsel for the petitioner and the learned AGA for respondents.

The petition under Article 226 of the Constitution of India as been filed seeking issuance of a direction in the nature of mandamus directing respondent nos.2 and 3 to ensure fair investigation in Case Crime No.0357 of 2022, under Sections 498-A, 323, 504, 506, 313, 354 IPC and Section 3/4 DP Act, Police Station Wazirganj, District Lucknow.

Learned counsel for the petitioner submitted that the petitioner, who is the first informant/complainant is dissatisfied with the manner in which the investigation has been carried out after registration of the aforesaid first information report on 14.12.2022 against seven named persons but the investigation is not proceeding in a manner as is required to be done under law and is still underway without any concrete step being taken by the investigating officer.

Having heard the learned counsel for the parties and perusing the impugned FIR as well as the other material brought on record, without expressing any opinion on the merit, liberty is granted to the petitioner to move an application before respondent no.2, Commissioner of Police, Lucknow within two weeks, with the same prayer which has been made by petitioner in this writ petition.

In case of application being moved as above, the same is to be given due consideration.

The writ petition is finally **disposed of** with aforesaid observation.

Order Date :- 2.6.2023

Shahroz