

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 4778 of 2023

Petitioner :- Mohd. Umar

Respondent :- State Of U.P. Thru. Prin. Secy. Home Lko. And 7 Others

Counsel for Petitioner :- Ajey Singh

Counsel for Respondent :- G.A.

Hon'ble Dinesh Kumar Singh, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard learned counsel for the petitioner and learned Additional Government Advocate for the State.

2. The writ petition under Article 226 of the Constitution of India has been filed seeking following reliefs:

"(i) To issue a writ, order or direction in the nature of Mandamus thereby commanding and directing the opposite parties specially opposite parties nos. 2 and 3 to conduct fair and proper investigation of F.I.R./Case Crime No. 0431/2022, under Section 419, 420 I.P.C., Police Station- Dargah Sharif, District- Bahraich lodged on 22.12.2022 against the private respondent i.e. opposite party no. 4 to 8 or to transfer the investigation of the said case to any other independent investigating agency, in the interest of justice.

(ii)

(iii)"

3. The petitioner is complainant. It is the duty of the concerned Magistrate to ensure free and fair investigation of the offence as provided in the judgment of the Supreme Court in the case of ***Sakiri Vasu vs. State of U.P. and Ors.*** reported in (2008) 2 SCC 409.

4. In view thereof, the present writ petition is finally **disposed of** with liberty to the petitioner to approach the concerned Magistrate with proper application if he apprehends that the case is not being investigated in a free and fair manner. The learned Magistrate will issue necessary direction for carrying out free, fair and impartial investigation.

(Syed Qamar Hasan Rizvi, J.)(Dinesh Kumar Singh, J.)

Order Date :- 22.6.2023

Abhishek Gupta