

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 4817 of 2023

Petitioner :- Sanjoo Alias Sanjoo Devi

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

Counsel for Petitioner :- Avnish Kumar Tiwari, Dr. Surendra Kumar Misra

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 Ms. Meera Tripathi, learned A.G.A. for the State-respondents and perused the record.

2. The present petition under Article 226 of the Constitution of India has been filed seeking writ of mandamus commanding the respondent No.1 and 2 to transfer the investigation of F.I.R. No.0097 of 2023 under Sections 452, 323, 504 and 506 I.P.C., Police Station-Sonwa, District-Shrawasti to any other agency or police station for ensuring fair and impartial investigation.

3. The supervision of investigation lies within the jurisdiction of the concerned Magistrate. It is for the concerned Magistrate to ensure free and fair investigation. If the petitioner apprehends that the investigation of the offences is not being carried out properly in a free and fair manner, she can approach the concerned Magistrate with a proper application as provided in the judgment of the Supreme Court in the case *Sakiri Vasu vs. State of U.P. and Ors* reported in (2008) 2 SCC 409.

4. In view thereof, the present petition is **disposed of** with liberty to the petitioner to approach concerned Magistrate with a proper application for ensuring free, fair and impartial investigation.

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

Order Date :- 21.6.2023

Piyush/-