

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 4809 of 2023

Petitioner :- Smt. Anita Devi

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Home Deptt. Lucknow And Others

Counsel for Petitioner :- Rajendra Singh Chauhan, Akhand Pratap Singh

Counsel for Respondent :- G.A.

Hon'ble Dinesh Kumar Singh, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

Heard learned counsel for the petitioner as well as learned A.G.A. for the State-respondents.

The present petition has been filed under Article 226 of the Constitution of India for the following relief:-

"(i) Issue a writ, order or direction in the nature of mandamus commanding and directing the opposite parties no.1 to 3 to ensure fair and proper investigation in Case Crime No.0302 of 2023 U/S 376-D, 504, 506 I.P.C. 3/4 POCSO Act, 3(2)(v) & 3(2)(va) SC/ST Act, Police Station Pihani, District Hardoi by the S.I.T. team under the monitoring of this Hon'ble Court or the investigation be transferred to CBCID or any other independent agency for fair and impartial investigation in the case.

(ii) Issue a writ, order or direction in the nature of mandamus commanding and directing the opp. parties no.1 to 4 to take coercive action and forthwith arrest the accused/opp. parties no.5 & 6 and send them to jail for fair investigation and further provide adequate security to the petitioner and victim."

The complainant is the mother of minor girl, who was allegedly gang raped, for which the F.I.R. No.0302 of 2023 was lodged on 26.05.2023 U/S 376-D, 504, 506 I.P.C. 3/4 POCSO Act, 3(2)(v) & 3(2)(va) SC/ST Act, Police Station Pihani, District Hardoi. The present petition has been filed with the prayer for safety and security of the complainant and her daughter as one of the accused in F.I.R. No.0302 of 2023 is history-sheeter and is threatening the complainant and his daughter for dire

consequences, if they would not compromise the matter.

Considering the serious allegations in the matter, we disposed of this writ petition with direction to the Superintendent of Police, Hardoi to ensure the safety and security of the petitioner and her family and ensure their protection under the Witness Protection Scheme of 2018.

Let a copy of this order be transmitted to the Superintendent of Police, Hardoi for necessary compliance.

Order Date :- 22.6.2023

Saurabh Yadav/-

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