

Court No. - 2

Case :- CRIMINAL MISC. WRIT PETITION No. - 4853 of 2023

Petitioner :- Nayab Singh

Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lko. And 6 Others

Counsel for Petitioner :- Alok Srivastava

Counsel for Respondent :- G.A.

Hon'ble Rajan Roy,J.

Hon'ble Syed Qamar Hasan Rizvi,J.

Heard.

The petitioner has lodged the F.I.R. in pursuance to the orders passed by the Magistrate under Section 156(3) Cr.P.C. only on 13.06.2023. Petitioner's counsel says that F.I.R. has not been lodged under the relevant sections.

The matter is still under investigation and the petitioner may place his version before the Investigating Officer who can always, if there is sufficient reason for the same, add or delete any Section for justifiable reasons. We also take note of submission of learned A.G.A. that the petitioner himself is an accused under Section 376D I.P.C. and is not appearing before the Investigating Officer. Petitioner may do the needful on his part by appearing before the Investigating Officer. If the petitioner is aggrieved any further he may avail other remedies. As regards prayer for transfer of investigation, we find that F.I.R. has been lodged only on 13.06.2023 and it is too early for us to draw any conclusion as to the fairness or otherwise of the investigation. If the petitioner is aggrieved at any subsequent stage, he can approach the concerned authorities.

Accordingly, the writ petition is **disposed of**.

(Syed Qamar Hasan Rizvi,J.) (Rajan Roy,J.)

Order Date :- 23.6.2023

Shanu/-