

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8030 of 2023

Petitioner :- Uttam Singh Alias Rahul Singh

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

Counsel for Petitioner :- Piyush Chandra Agarwal, Pankaj Kumar

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Ajai Kumar Srivastava-I, J.

1. Heard learned counsel for the petitioner and learned A.G.A. who appears on behalf of State-respondents.
2. This petition has been filed with a prayer to issue a writ, order or direction in the nature of mandamus thereby commanding to the opposite parties to ensure fair and proper investigation by the investigating officer in relation to F.I.R. No.0536 of 2022 under Section 325 I.P.C. Police Station Krishna Nagar, Lucknow.
3. Learned A.G.A. has raised a preliminary objection regarding the prayer made by the petitioner in this petition as such direction cannot be granted by this Court in these proceedings.
4. We have perused the averments made in the writ petition and are not convinced that any direction, as has been prayed for by the petitioner in this writ petition, can be granted in these proceedings. The Supreme Court in the case of **Sudhir Bhaskarrao Tambe vs. Hemant Yashwant Dhage and others, reported in (2016) 6 SCC 277** relying upon an earlier judgment of the Supreme Court in the case of **Sakiri Vasu vs. State of U.P. and others, reported in (2008) 2 SCC 469** has held that this Court normally should not entertain such petitions for the reason that complainant in such situations is at liberty to avail the alternative remedy by approaching the Magistrate concerned under Section 156(3) Cr.P.C.
5. Accordingly, we are not inclined to entertain this writ petition, which is hereby **disposed of** with the observation that it will be open to the petitioner to approach the Magistrate concerned by moving an application under Section 156(3) Cr.P.C. If any such application is moved by the petitioner/complainant, the same shall be dealt in accordance with law by the Magistrate concerned.

Order Date :- 16.10.2023

-Amit K-