

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8107 of 2023

Petitioner :- Sanjay And Another

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

Counsel for Petitioner :- Deepak Kumar,Nutan Thakur

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Karunesh Singh Pawar,J.

1. Heard learned counsel for the petitioners and learned A.G.A. for the State-respondents.

2. This petition has been filed with the following main prayer:-

"(a) to kindly issue a writ in the nature of Mandamus or any other appropriate Writ, order or direction thereby directing the concerned respondents to undertake investigation in FIR No 0304/2023 u/s 376D, 392, 342, 506 IPC Thana Pisawa, district Sitapur, solely as per law and facts of the case and to give the petitioners reasonable opportunity to present his facts and evidences, including the oral evidences."

3. It has been submitted by learned counsel for the petitioners that the opposite party No.4 has lodged the impugned F.I.R.with ulterior motive. The petitioner Nos.1 and 2 are the brother-in-law and sister-in-law respectively of opposite party No.4.

4. Learned counsel for petitioners says that both the accused are completely innocent. There is a dispute relating to marriage which has been converted into a criminal case by the impugned F.I.R.

5. This Court is of the opinion that the petitioners being accused have not challenged the F.I.R. however, they only want to stay of arrest till such time that investigation is completed and the direction be issued to respondents to undertake the fair investigation.

6. This petition is disposed of with a direction to the Investigating Officer to follow the paragraph 107 of the Police Regulation during the conduct of the investigation.

Order Date :- 18.10.2023

Saurabh Yadav/-