

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 8294 of 2023

Petitioner :- Ram Baran Singh And Another

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

Counsel for Petitioner :- Ramendra Kumar Misra

Counsel for Respondent :- G.A.

Hon'ble Rajan Roy,J.

Hon'ble Ajai Kumar Srivastava-I,J.

Heard.

This petition has been filed seeking the following relief :-

"(i) A writ or direction in the nature of mandamus commanding the opposite party to transfer the investigation of Case Crime No.0187 of 2023, under Sections 353, 427, 504, 506 I.P.C. and Sections 3(1)(da) and 3(1)(dha) SC/ST Act, Police Station Jagatpur, District Raebareli."

Earlier, a writ petition bearing no.5787 of 2023 was filed by these very petitioners, inter alia, for quashing the F.I.R. dated 22.07.2023, regarding which they now want transfer of the investigation. Apart from the said relief in the earlier writ petition, as informed by the learned A.G.A., a prayer was also made for ensuring a fair investigation.

The submission of learned A.G.A. is that the prayer in this writ petition is, in substance, the same as in the first writ petition. Moreover, he says that thereafter, a second writ petition bearing no.7973 of 2023 was filed by the petitioners, challenging the notice dated 04.10.2023 issued by the Investigating Officer under Section 41-A Cr.P.C., which was dismissed on 13.10.2023. It is also informed by him that the offences under the provisions of the SC/ST Act, 1989, have been dropped during the investigation.

The filing of the second writ petition bearing no.7973 of 2023 has not been disclosed, even though the counsel is the same. On being confronted, the petitioners' counsel could not give any satisfactory reply, except to say that the Investigating Officer is demanding money. However, we do not find any such pleading in the writ petition.

However, our attention has been drawn to the application dated 06.10.2023, annexed as Annexure No. 3 to the writ petition, addressed to the Superintendent of Police, Raebareli, wherein such allegations have been made.

Let the Superintendent of Police, Raebareli, look into the matter and do the needful as per the law after verifying the facts. Apart from it, no other order or direction is required to be passed in this petition.

Petitioners are cautioned not to indulge in unnecessary/multiple litigation.

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

Order Date :- 27.10.2023

A.Dewal