

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8280 of 2023

Petitioner :- Smt. Gayatri Alias Dayatvi Narayan

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

Counsel for Petitioner :- Seraj Ahmad

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Karunesh Singh Pawar,J.

1. Heard the learned counsel for the petitioner and the learned A.G.A. who appears for the State.

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

"ISSUE a writ, order or direction in the nature of Mandamus commanding and directing the opposite parties no. 1 to 3 to make investigation in Case crime no. 380/2023 U/s 498-A /323/504/506/ 308 I.P/C. And 3/4 Dowry Prohibition Act Police Station Ashiyana, District Lucknow and arrest the accused persons and to provide proper security to the petitioner."

3. It is the case of the petitioner that an F.I.R. was lodged by him on 31.07.2023. The Investigating Officer is not taking interest in proper investigation of the case. Hence this petition has been filed.

4. Learned A.G.A. on the other hand, has raised a preliminary objection saying that for the relief, as claimed in this petition, the petitioner has statutory remedy of filing a Complaint/ Application before the Judicial Magistrate, concerned, under Section 156 (3) Cr.P.C. as observed by the Hon'ble Supreme Court in the case of ***Sakiri Vasu Vs. State of U.P. and Others reported in 2008 (2) SCC 409***, an application can be filed to the Magistrate concerned who has very wide powers to direct and ensure a proper investigation. He can also monitor such investigation that the investigation is done properly.

5. This petition is finally ***disposed of*** with a direction to the petitioner to approach the Magistrate concerned under Section 156 (3) Cr.P.C., who shall look into the matter and ensure that justice is done to the Complainant/ Informant.

Order Date :- 19.10.2023

R.C.