

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 8316 of 2023

Petitioner :- Baldev

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

Counsel for Petitioner :- Vineet Kumar Mishra, Yagyavesh Srivastava

Counsel for Respondent :- G.A.

Hon'ble Rajan Roy, J.

Hon'ble Ajai Kumar Srivastava-I, J.

Heard.

This petition has been filed seeking following relief:

"Issue a writ order or direction in the nature of Mandamus commanding the opposite party no. 5 to take strict action against the domineering opposite party no. 7 to 10 and protect the life and property of the petitioner and his family and allow to enter his own house without hindrance of opposite party no. 7 to 10."

Petitioner alleges that he is being prevented from entering in his own house by opposite parties no. 7 to 10 taking advantage of the fact that he was in prison in connection with a criminal case in which he was falsely implicated by the said opposite parties no. 7 to 10. Now, he has been bailed out and he wants to enter his house, but, is not being permitted to do so.

Learned AGA has drawn our attention to the application submitted by the petitioner which is to the effect that the petitioner is being prevented from coming out of his house and exercising his right of passage, etc.

We fail to understand as to how a writ petition under Article 226 of the Constitution of India is maintainable in a such matter.

If the petitioner has a cause, he can lodge an FIR. If that is not being registered he may approach the higher authorities and even if thereafter it is not lodged, he can file application under Section 156 (3) Cr.P.C. or for that matter a complaint as per law. If there is any other remedy, he can avail the same.

With these observations, the petition is ***dismissed***.

[Ajai Kumar Srivastava-I, J.] [Rajan Roy, J.]