

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8410 of 2023

Petitioner :- Anurag Gupta

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

Counsel for Petitioner :- D.P. Dutt Tiwari, Dinesh Kumar Gupta

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

(1) Heard learned counsel for the petitioner and learned A.G.A. on behalf of the State Respondents.

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

"(1.) Issue a writ order or direction in the nature of mandamus commanding the opposite parties no. 2 to 4 to do fair and proper investigation in First Information Report No. 0379/2023, U/s- 379, 419, 420, 406, 467, 468, 471 & 120B of Indian Penal Code, Police Station-Mandion, District-Lucknow (Annexed as Annexure No.1 to this writ petition) and take strict action against main accused and mastermind, in the interest of justice."

(3) It has been submitted by learned counsel for the petitioner that there is apprehension that fair investigation shall not be conducted.

(4) Learned AGA has produced before this Court instructions sent by Shailendra Kumar Pandey, Sub-Inspector, Mandion, Lucknow wherein it has been stated that Sections 419/ 420/ 406/ 467/ 468/ 471/120B IPC has been added during the course of investigation. Accused Guddoo Singh, Bharat Dixit and Brijesh Sharma have been found to be prima facie guilty. Guddoo Singh and Brijesh Sharma have been arrested and sent to the judicial custody whereas Bharat Dixit has filed Writ Petition No.6887 of 2023 before this Court wherein an interim protection has been granted to him.

(5) This Court finds that investigation is not done by the trial court in view of the observations made 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.**

(6.) This petition is **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 :- 1.11.2023

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