

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8467 of 2023

Petitioner :- Smt. Anuradha Shukla

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

Counsel for Petitioner :- Nisha Srivastava

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Supplementary affidavit filed by learned counsel for the petitioner today is taken on record.

This writ petition has been filed praying the following main relief:

"(I) Issue a writ, order or direction in the nature of Mandamus commanding the opposite parties no. 1 and 2 may be directed to ensure the fair investigation of First Information Report dated 19.5.2022 lodged at Case Crime No. 471/2022 Under Sections 498A, 354-Kha, 323, 504, 506 IPC and 3/4 of D.P. Act, Police Station-Kotwali Nagar, District Barabanki, which has not been done by the opposite party no. 3, by transferring it to some other police station or independent agency."

Learned AGA has produced before this Court a copy of the written instructions dated 7.11.2023 sent by Sub Inspector, Sri Nizamuddin P.S. Kotwali Nagar, District Barabanki. Learned AGA has pointed out paragraph nos. 3 and 4 of the said instructions from which it is evident that charge sheet has been prepared against Deepak Mishra, Smt. Sunita Mishra and Ajay Kumar Mishra under Sections 498A, 323, 504, 506 IPC and 3/4 of D.P. Act and submitted to the Circle Officer concerned on 19.5.2022. The petitioner made an application to the Circle Officer in this regard, the Circle Officer directed for further investigation by the Investigating Officer and during the course of investigation, the names of Ajay Kumar Mishra and Smt. Sunita Mishra have been found to be wrongly implicated. Charge sheet has been prepared only against Deepak Mishra, the husband of the petitioner and charge sheet no. 634A dated 5.2.2023 has been submitted to the court concerned who has taken cognizance of the same.

Learned counsel for the petitioner says that the petitioner is constantly threatened and beaten by other accused and she is not allowed to attend the court proceedings herein. The Investigating Officer is colluding with the accused.

Since the charge sheet has been filed in Court of which

cognizance has been taken, the petitioner may approach the Magistrate concerned, in case, she is still aggrieved.

In view of the aforesaid, the writ petition is **disposed of**.

The said instructions are taken on record.

Order Date :- 21.11.2023

AKK