Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8497 of 2023

Petitioner :- Deepak Kumar
Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Home Lko. And Others
Counsel for Petitioner :- Udai Pratap Yadav,Ashish Kumar
Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.
Hon'ble Narendra Kumar Johari,J.

(1) Heard the learned counsel for the petitioner and the learned A.G.A. who appears for the Opposite party nos.1 to 6.

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

"1) issue a writ, order or direction in the nature of Mandamus thereby commanding the Opposite party nos.1 to 6 to take immediate action for conducting fair, impartial and speedy investigation in respect of F.I.R. dated 11.02.2021 bearing Case Crime No.0089/2021, under Sections 420, 409 I.P.C. at Police Station Gomti Nagar, District Lucknow."

(3) It is the case of the petitioner that the FIR was lodged by him on 11.02.2021 against known persons. 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 :- 3.11.2023
N.PAL

Digitally signed by :-
NARESH PAL
High Court of Judicature at Allahabad,
Lucknow Bench