

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8508 of 2023

Petitioner :- Samar Jay Singh Alias Samar Singh

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

Counsel for Petitioner :- Romit Seth

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Heard learned counsel for the petitioner and learned A.G.A. for the State.

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

"Issue a Writ, order or direction in the nature of CERTIORARI quashing the impugned first information report as far as it is related to petitioner in Case Crime No.326/2023, U/s-323, 506, (presently investigation is being conducting under Sections 323, 506, 149, 308, 302, 120-B & 34 of IPC as well as U/s 3(2)V if SC/ST Act), P.S. Ramkot, District: Sitapur, dated 11.07.2023 (As contained in the Annexure No.1)."

It has been submitted by learned counsel for the petitioner that the informant had earlier approached this Court in Criminal Misc. Writ Petition No.6729 of 2023: *Jaswant Vs. State of U.P. and others*. This Court had disposed of the petition relegating the informant to avail remedy under Section 156(3) of the Cr.P.C. by referring the judgement rendered by Hon'ble Supreme Court in *Sakiri Vasu Vs. State of U.P. and others*, reported in 2008 (2) SCC 409. A copy of the order dated 28.08.2023 has been filed as annexure-13 to the writ petition.

It has further been submitted that thereafter the Court concerned has passed at least two orders which are very strictly worded saying that the investigation is not being conducted in accordance with law. Such orders have been filed as annexures to the writ petition.

This Court finds from a perusal of the pleadings on record that the petitioner is an accused in the impugned F.I.R. The Court concerned is already monitoring the investigation as is evident from the orders passed.

There is no reason for this Court to show interference and quash the impugned F.I.R. as prayed for in this petition.

The writ petition stands ***dismissed***.

Order Date :- 3.11.2023

Rahul