

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8488 of 2023

Petitioner :- Vimla Devi

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

Counsel for Petitioner :- Ashish Kumar Singh

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 AGA for State-respondents.

Learned counsel for the petitioner has pointed out order dated 03.11.2023, which is quoted herein below:-

"(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 for the following main prayer:-

"1) Issue a writ, order or direction in the nature of Mandamus commanding and directing the State Opposite parties to take the appropriate action for ensuring the fair/proper and impartial investigation, in the First Information Report lodged by the petitioner bearing F.I.R. No.603 of 2023, under Section 302 I.P.C., at Police Station Kotwali Dehat, District Bahraich, as contained in Annexure No.1 to this writ petition."

(3) Learned A.G.A. has pointed out that the petitioner being accused in the F.I.R. No.072 of 2022 had approached this Court earlier in Criminal Misc. Writ Petition No.7439 of 2023 [Vimla Devi Vs. State of U.P. and others] which was disposed of by this Court vide order dated 26.09.2023 with the direction to the Senior Superintendent of Police, Bahraich, to take appropriate action on the Representation of the petitioner dated 31.10.2022 after keeping in mind the order passed by its Deputy Secretary (Home), U.P., Lucknow, by his order dated 10.04.2023 even thereafter the petitioner was aggrieved by the partisan manner in which the investigation is being carried out, she in retaliation thereof, has lodged the F.I.R. against the informant of the earlier F.I.R. which has been registered as F.I.R. No.0603

of 2023, under Section 302 I.P.C. on 10.10.2023 in Police Station Kotwali Dehat, District Bahraich, a copy of which has been filed as Annexure no.1 to the writ petition.

(4) It is the case of the petitioner that she wishes that both the F.I.Rs be clubbed that is the Petitioner's F.I.R. against the informant and the informant's F.I.R. against the petitioner with regard to the death of nine years old child and they be fairly investigated the matter.

(5) Learned A.G.A. shall seek instructions and file their counter affidavit within three weeks.

(6) List this matter on 28.11.2023, as fresh. "

It has been submitted by learned counsel for the petitioner that proper investigation has not been carried out in the case by the police.

Learned counsel for the petitioner has also pointed out his supplementary affidavit which has been filed by him on 28.11.2023.

Learned AGA on the basis of counter affidavit filed earlier has submitted that Final Report No. B165 of 2023 dated 11.10.2023 has been submitted to the Court concerned.

In view of the above, this writ petition is **disposed of** with liberty to the petitioner to approach the Court concerned in case any grievance is left by filing a protest petition.

Order Date :- 12.12.2023

Arnima