

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8586 of 2023

Petitioner :- Smt. X (Victim Of The Case Crime No 218/2022)

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

Counsel for Petitioner :- Prem Shanker Pandey, Abhishek Pandey

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Vakalatnama filed by Sri Shikhar Anand, Advocate on behalf of respondent no. 4 today is taken on record.

An affidavit of service filed by Sri Prem Shankar Pandey, learned counsel for the petitioner and short counter affidavit filed by learned AGA on behalf of State-respondents today are taken on record.

Heard learned counsel for the petitioner, Sri Shikhar Anand, learned counsel for the respondent no. 4 and learned AGA who appears on behalf of State-respondents.

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

"i. To issue writ order or direction in the nature of mandamus commanding the opposite parties specially the opposite party no. 02 & 03 to do fair investigation and to arrest the accused persons who are moving freely and continuously threatening the petitioner for dire consequences and to withdraw the complaint.

ii. To issue writ, order or direction in the nature of mandamus commanding the opposite party no. 4 not to interfere in the pending investigation as the opposite party no. 4 is having no jurisdiction to interfere in the investigation."

Learned counsel for the respondent no. 4 has produced before this Court a copy of order dated 6.7.2023 passed by the Chairman of U.P. Human Right Commission, Lucknow wherein it has been stated that after taking cognizance, this Court vide its order dated 31.5.2023 has quashed the orders dated 7.2.2203 and 23.2.2023 passed by the Commission. The Chairman, Human Right Commission, Lucknow has closed the proceedings/case that was pending before the Commisison.

Learned AGA, on the basis of his short counter affidavit,

has stated that charge sheet has been prepared against main accused Sujit Kumar Tripathi @ Sonu Tripathi on 6.11.2023 under various sections of IPC and SC/ST Act. The other accused Satish Tripathi S/o Suryakant Tripathi has not yet been charge sheeted because from the evidence that has been collected including CCTV footage, no specific conclusion could be drawn by the Investigating Officer. The original DVR containing the CCTV footage has been sent to the Forensic Science Laboratory for its report, after such report is made available steps shall be taken against other accused as well.

This writ petition is **disposed of** leaving it open for the petitioner to approach the court concerned, in case, she is still dissatisfied with the investigation being carried out by the Investigating Officer.

Order Date :- 29.11.2023

AKK