

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8830 of 2023

Petitioner :- Guddu Warsi

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

Counsel for Petitioner :- Alok Kr. Misra

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Mrs. Jyotsna Sharma,J.

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

This petition has been filed with the following prayers:-

"Issue writ order or direction in nature of mandamus commanding to the opposite party no.3 that he consider the case of petitioner and constitute the special investigation team (SIT) for enquiry of alleged incident dated 02.08.2023 and 04.09.2023 for which the opposite party no.5 filed the 02 seperate applications under section 156(3) Cr.P.C. and the Learned Special Judge SC/ST Act passed the order on 26.09.2023 and 30.10.2023 and thereafter on the basis of enquiry report to take appropriate action in the matter, in the interest of justice.

Issue writ order or direction in the nature of mandamus commanding to the opposite party No.2 to 4 that they consider the case of petitioner and to provide the protection of the petitioner from the harassment of opposite party No.5 to 7 (i.e. from false implication in criminal cases and from threat of life), in the interest of justice."

It has been submitted by learned counsel for the petitioner that the wife of the respondent no.6 is a resident of Pakistan and she is living in India for the past several years dodging the attempts of the Authorities to deport her. The petitioner has made complaints to various authorities in this regard, as a consequence the respondent nos.6 and 7 have filed two applications under Section 156 (3) of the Cr.P.C. One of such applications has been treated as complaint case and the other application, the Magistrate concerned has directed for lodging of

the F.I.R.

After having examined the submissions advanced by learned counsel for the parties and perused the impugned F.I.R., we are of the opinion that the petitioner has not challenged the orders passed by the Magistrate dated 26.09.2023 and 30.10.2023 but wants interference in the Trial in a roundabout matter

Accordingly, the present writ petition is ***dismissed***.

Order Date :- 18.11.2023
Rahul