Court No. - 10
Case :- CRIMINAL MISC. WRIT PETITION No. - 8928 of 2023
Petitioner :- Bharat Alias Bharat Lal
Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lucknow And 9 Others
Counsel for Petitioner :- Prateek Shrivastava,Vivek Srivastava
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 State.

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

"a) Issue a writ, order or direction in the nature of MANDAMUS commanding the opposite party no.2, 3 and 4 to conduct a Fair and proper investigation in respect of Case Crime no.0378 of 2023 Under Sections 323, 504, 506, 342, 307, 120(B), 34 (I.P.C.), 3(1)(Dha), 3(2)(V), 3(2)(Va) of S.C./S.T. Act which is registered in Police Station- Jagdishpur, District Amethi, in the interest of justice."

3. For the orders proposed to be passed, notice to the private respondents is dispensed with.

4. It is the case of the petitioner that an F.I.R. was lodged by him on 17.10.2023 against private respondents. The Investigating Officer is not taking interest in proper investigation of the case. Hence this petition has been filed.

5. 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.

6. 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 :- 22.11.2023
Rahul

Digitally signed by :-
RAHUL TRIPATHI
High Court of Judicature at Allahabad,
Lucknow Bench