

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8901 of 2023

Petitioner :- Love Sahu

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Home Lko. And 5 Others

Counsel for Petitioner :- Devendra Gupta, Prashant Shukla

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-respondents.

This petition has been filed praying the following reliefs:-

(a) Issue a writ, order or direction in the nature of mandamus commanding the respondent no. 2 and 3 to transfer the investigation to some other circle/zone/police station or direct for conducting investigation in a fair, transparent and impartial manner under their direct supervision in F.I.R. dated 14.7.2023 bearing F.I.R. no. 0099/2023 lodged under Section 363 and 366 of the I.P.C. at Police Station- Naka Hindola, district- Lucknow as Annexure-2 to this writ petition.

(b) Issue a writ, order or direction in the nature of mandamus commanding the respondent no 2 to initiate and conduct an investigation against respondent no. 5 i.e. Dileep Kumar (Investigating Officer of F.I.R. no. 0099/2023 lodged under Section 363 and 366 of the I.P.C. at Police Station- Naka Hindola, district- Lucknow) regarding his role and complicity in the entire matter and take action in accordance with law.

It has been submitted by the learned counsel for the petitioner that the Investigating Officer is colluding with the accused persons against whom the impugned F.I.R. has been lodged. No arrest has been made so far. The victim who is daughter of the petitioner is still with the Rajkiya Balika Grah/Government Girls Home, as she is minor. She has given wrong statements to the police under Section 161 Cr.P.C., thereafter to the Magistrate concerned under Section 164 Cr.P.C. and also before the CWC.

Learned A.G.A. has produced before this Court the instruction

sent by Dileep Kumar, Sub Inspector/Investigation Officer, Police Station- Naka Hindola, district- Lucknow.

Learned Counsel for the petitioner has pointed out the representation made by him to the Commissioner of Police, Lucknow, a copy of which has been filed as Annexure-4 to the writ petition. In the representation, the petitioner has made specific allegation against the Investigating Officer- Dileep Kumar.

This Court has gone through the representation and finds that the matter can be resolved by the Police Commissioner, Lucknow by looking personally into the grievance of the petitioner and if need be, appointing some other Investigation Officer from a different police station to conduct investigation.

This writ petition is **disposed of** with a direction to the opposite party no. 2/Police Commissioner, Lucknow to look into the grievance of the petitioner and pass appropriate order in accordance with law within a period of four weeks from the date of presentation of a certified copy of this order.

Order Date :- 21.11.2023

Anuj Singh