

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9012 of 2023

Petitioner :- Jagdish Prasad Tiwari

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

Counsel for Petitioner :- Mahmood Alam, Atul

Kumar, Gayasuddeen, Mohd. Shahanshah Newaz Khan

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 the State-respondents.

This petition has been filed with the following main prayers:-

"i Issue a writ, order or directions in the nature of mandamus commanding the opposite party No.3 for transferring the investigation of the Case Crime No.228/2023 under Sections 323, 504, 506, 34 IPC related to the Police Station- Baddo Sarai, District- Barabanki to any other independent investigating agency, whose copy of the FIR is contained as the Annexure No.1 to this writ petition.

ii. Issue a writ, order or directions in the nature of mandamus commanding to the opposite party No.3 and 4 for ensuring the free and impartial investigation of Case Crime No.228/2023 under Sections 323, 504, 506, 34 IPC related to the Police Station- Baddo Sarai, District- Barabanki by any Competent Police Officer of any other independent investigating agency.

iii. Issue a writ, order or direction in the nature of mandamus commanding to the opposite parties for deciding the representation dated 19.09.2023 of the petitioner, whose copy has been contained as the Annexure No.4 to this writ petition."

Learned AGA on the basis of the instructions sent by Sub-Inspector Naushad Ali Khan, Police Station- Baddo Sarai, District- Barabanki says that charge sheet No.210 of 2023 dated 18.09.2023 has been prepared, which has also been filed in the Court of Civil Judge (J.D.) F.T.C. Court No.39, Barabanki on 27.10.2023.

In view of the aforesaid, the writ petition is **dismissed** with liberty to the petitioner to approach the appropriate forum.

Order Date :- 24.11.2023

Ashutosh Pandey