

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8962 of 2023

Petitioner :- Satyendra Prakash Singh

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

Counsel for Petitioner :- Raghvendra P. Singh

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Heard learned counsel for the petitioner, learned AGA who appears on behalf of State-respondents and perused the record.

This writ petition has been filed with a prayer to issue a writ, order or direction in the nature of Certiorari for quashing of the impugned notice dated 6.11.2023 under Section 111 Cr.P.C. issued by the opposite party no. 4 and for a direction to the opposite parties no. 4 to 6 not to proceed further against the petitioner on the basis of the said impugned notice.

It has been submitted by the learned counsel for the petitioner that the petitioner is already severely ill and his operation has been done in Cardiac Emergency Section. Because of matrimonial dispute between the petitioner and his wife, opposite party no. 7, a notice has been issued under Section 111 Cr.P.C. for proceedings to be initiated under Sections 107/116 of Cr.P.C. It has further been submitted that the petitioner is an Advocate and is not in a condition to even walk, therefore, he cannot appear before the Assistant Commissioner of Police/Executive Magistrate, Ghazipur Police Commissionerate, Lucknow to submit his reply.

This Court has seen that the petitioner, Satendra Prakash Singh is standing besides his lawyer during the course of argument in Advocate's dress, it cannot be said that the petitioner cannot walk and the notice impugned is only a show cause notice, there is no allegation in the writ petition that it has been issued without jurisdiction, therefore, this Court finds no good ground to show interference at this stage.

The petitioner shall approach the Assistant Commissioner of Police/Executive Magistrate, Ghazipur Police Commissionerate, Lucknow by giving his representation/explanation to any dispute involving him and his wife, opposite party no. 7.

In view of the above, the writ petition is dismissed as not maintainable.

Order Date :- 23.11.2023/AKK