

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9090 of 2023

Petitioner :- Anokhe Lal Pandey

Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lko. And 6 Others

Counsel for Petitioner :- Hom Narayan Awasthi

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 parties 1 to 3 to act in accordance with law and the opp. party no.3 may be directed to make fair and impartial investigation in respect of F.I.R. no.0291/ 2021 U/s 419, 420, 467, 468, 471, 427 I.P.C., P.S. Kotwali Dehat, District Bahraich as contained in Annexure No.1 to this writ petition and submit the progress report before this Hon'ble Court so that the petitioner may be able to get justice in the matter."

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 14.07.2021 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 :- 29.11.2023

Rahul