

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9309 of 2023

Petitioner :- Jitendra Kumar Singh

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

Counsel for Petitioner :- Brijesh Kumar Yadav

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Heard learned counsel for the petitioners, learned A.G.A. for the State/respondents and perused the material placed on record.

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

"(i) Issue a writ for quashing the issuing illegal, unconstitutional show cause notice dated 06-09-2023 U/S 3/4 Goondas Act case style- State of UP VS Jitendra Kumar Singh in suit no.D202304710001196 by the O.P. No.2 against the petitioner only on the ground of his involvement in a solitary two different types of cases being case crime no.82/2023 U/S 427/506 I.P.C. and second crime no.44/2022 U/S 323, 504, 506 I.P.C. Police Station - Piparpur, District -Amethi. Both F.I.R. lodged by only one person (contained as annexure No.1 & 5) to this petition.

(ii) Issue writ order or direction in the nature of mandamus directing the o.p. No. 2 & 3 not to harass the petitioner in peruns to the aforesaid notice which is impugned hearing (as contained as annexure no.1) to this petition."

It has been submitted by learned counsel for the petitioner that only two criminal cases are shown to be pending against the petitioner, namely, Case Crime No.82/2023, Under Sections 427/506 I.P.C. and second is Case Crime No.44/2022, Under Sections 323, 504, 506 I.P.C., at Police Station - Piparpur, District - Amethi. Both the F.I.R.s have been lodged by Ravindra Pratap Singh and his wife Smt. Sunita Singh only because there was a dispute regarding Abadi land, regarding which a civil suit is pending before the Civil Judge, Sultanpur where the informants are also the parties.

This Court has considered the submissions made by learned counsel for the petitioner and finds that the impugned show cause notice dated 06.09.2023 is only a show cause notice and nothing more. Petitioner has an appropriate remedy of approaching the A.D.M. concerned with his detailed representation with regard to any pendency of the civil suit between the parties and also with regard to any other grievance he has with respect to the politicization of the issue.

This writ petition is **disposed of** with the liberty to the petitioner to file his explanation before the A.D.M., Amethi within a week from today. If such an explanation is filed, it shall be considered by the A.D.M., Amethi strictly in accordance with law and a reasoned and speaking order shall be passed thereon, within a further period of four weeks.

Order Date :- 8.12.2023

ML/-