

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9442 of 2023

Petitioner :- Jitendra Prakash Gupta

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

Counsel for Petitioner :- Sushil Kumar Rastogi

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 opposite parties to provide the immediate protection to the petitioner from the miscreants who have abused the telephone call and further threatening the petitioner by misapplying the device of information technology to person and property of the petitioners.

(b) Issue a writ, order or direction in the nature of mandamus commanding the opposite party no 3 not to harass, detain or prosecute the petitioner in pursuance of the impugned F.I.R.

It has been submitted by the learned counsel for the petitioner that the petitione is handicapped person since birth and he made a complaint under Section 156 (3) Cr.P.C. (Jitendra Prakash Vs. Sarvjeet Singh and four others) in which the C.J.M, concerned has taken cognizance and the complaint case no. 5862 of 2017is pending before the court C.J.M, Lakhimpur Kheri. However, he has received various phone calls from various mobile numbers giving threatening to the petitioner and abusing him. Therefore, he has approached for praying for protection.

The petitioner has remedy of approaching the court concerned i.e. court of C.J.M, Lakhimpur Kheri, in case he is being threatening by any of the accused.

The writ petition is, accordingly, **dismissed**.

Order Date :- 13.12.2023

Anuj Singh