

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9103 of 2023

Petitioner :- Tej Bahadur Yadav

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

Counsel for Petitioner :- Bare Lal Bhartiya

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 Court has passed an order dated 29.11.2023 which is quoted hereinbelow:

"Heard learned counsel for the petitioner, 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, order or direction in the nature of Mandamus thereby commanding and directing the opposite party no.4 to 6 on the applications/complaints of the petitioner dated 22.11.2023 and 31.10.2023 contained in Annexure No.1 & 2 respectively to this writ petition within a period as fixed by this Hon'ble Court, in the interest of justice.

(ii) Issue a writ, order or direction in the nature of Mandamus thereby commanding and directing the opposite party no.2 to direct the opposite party no.3 to register the First Information Report of the petitioner and take necessary action in accordance with law against the opposite party no. 4 to 6 as per law laid down by the Hon'ble Supreme Court in case of Lalita Kumari Versus Government of Uttar Pradesh and others reported in (2014) 2 S.C.C. 1, in the interest of justice."

It has been submitted by learned counsel for the petitioner that the petitioner has tried to lodge the F.I.R./complaint with regard to death of his son.

His application dated 22.11.2023 and 31.10.2023 have not been considered.

List this case on 11th December, 2023, as fresh.

Learned A.G.A. shall seek instructions in the matter with opposite party No.3 as to why the aforesaid applications did not result in lodging of the F.I.R."

Learned AGA has produced before this Court written instructions dated 6.12.2023 sent by Sri Sanjay Kumar Singh, Incharge Inspector, P.S. Mil Area, District Raebareli wherein it has been stated that FIR No. 0571 of 2023 under Sections 302, 328 IPC has been registered at the police station concerned, hence, the writ petition has become infructuous.

The said instructions are kept on record.

In view of the aforesaid, **writ petition is dismissed as having become infructuous.**

Order Date :- 11.12.2023

AKK