

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9125 of 2023

Petitioner :- Sharda Devi

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

Counsel for Petitioner :- Rudra Pratap Pal

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

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 commanding to the Opposite Party No.-4 who is posted in Station House Officer to increased the sections under SC/ST Act against the accused persons Digraj Yadav, Leader of Bhartiya Kisan Union and Madhavraj Yadav, Leader of Bhartiya Kisan Union, resident of Village - Chahlar, Police Station - Kotwali Kaiserganj, District Bahraich, for breaking into the house and assaulting, abusing using caste related words like chamarain the said FIR 0355 ated 24.09.2023 after thought registered by the Opposite Party No.4 in ten days delay in the incident contained as Annexure No.3 in the interest of justice.

(ii) Issue a writ, order or direction in the nature of mandamus commanding to the Opposite Party No.04 who is posted in Police Station - Kaiserganj, District -Bahraich on the post of Station Head not threatening the petitioner and her family members."

Learned A.G.A. has produced before this Court instructions sent by Inspector (Crime), Police Station - Kaiserganj, District - Bahraich wherein it has been stated that during investigation Digraj and Madhavraj, the accused in F.I.R. were not found to be involved and their names have been deleted. Section 452 IPC has also been deleted. Evidence has been collected against accused Saval Prasad and Mangal and charge sheet No. 323/2023 dated 09.10.2023 has been submitted to the court concerned, although cognizance has yet not been taken.

Instructions are kept on record.

Accordingly, the writ petition is **disposed of** with the liberty to the petitioner to approach the court concerned in view of the law laid down by the Hon'ble Supreme Court in the case of **Sakiri Vasu v. State of U.P., (2008) 2 SCC 409.**

Order Date :- 30.11.2023

ML/-