

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9148 of 2023

Petitioner :- Smt. Savitri Devi And Others

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

Counsel for Petitioner :- Santosh Kumar Tripathi

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Heard learned counsel for the petitioners and learned A.G.A. for the State.

This petition has been filed with the following main prayer:-

"i. Issue a writ order or direction in the nature of Certiorari for quashing the impugned first information report dated 10.11.2023 Crime No 0446/2023 U/S 147, 323, 364, 392, 427, 452, 506 IPC P.S. Gudamba, District Lucknow contained as Annexure No.1 to this writ petition."

This Court had granted time to learned A.G.A. to seek instructions in the matter.

Learned A.G.A. has produced before this Court instructions dated 02.12.2023 sent by Sri Sayyed Abbas Raza, Sub Inspector, P.S. Gudamba, District Lucknow, wherein it has been stated that charge-sheet has been prepared under Sections 147, 323, 427, 452 and 506 of the I.P.C. against six accused and submitted to the Supervisory Authority on 23.11.2023.

Instructions are kept on record.

Since the charge-sheet has been prepared by the Investigating Officer, it is presumed that sufficient evidence has been collected and filed with the Charge-sheet before the Trial Court for its evaluation, therefore, this Court feels it to be inappropriate to interfere at this stage.

The writ petition is ***dismissed*** with liberty to the petitioners to approach the Competent Court for raising their challenge to the Charge-sheet.

Order Date :- 12.12.2023

Rahul