

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9333 of 2023

Petitioner :- Victim X In Case Crime No.-63/2023 Thru. Her Mother

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

Counsel for Petitioner :- Nisha Srivastava

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

1. Heard the learned counsel for the petitioner and the learned A.G.A. who appears for the State.

2. This petition has been filed by the petitioner with the following main prayer:-

"a) Issue a writ, order or direction in the nature of MANDAMUS commanding and directing the Opposite Parties to ensure free, fair and transparent investigation of the Case Crime No.-0063/2023, under Sections 376, 377, 313, 342, 498-A I.P.C. & Section 3/4 Protection of Children From Sexual Offences Act, 2012, Police Station- Ghunghter, District Barabanki, within a period stipulated by this Hon'ble High Court."

3. For the orders proposed to be passed, notice to the private respondent is dispensed with.

4. Learned A.G.A. has produced before this Court instructions dated 05.12.2023 sent by Sri Akhter Sayeed Usmani, Sub Inspector, P.S. Ghunghter, Barabanki, saying that charge sheet No.A-87 of 2023 was initially submitted to the Supervisory Authority. The Supervisory Authority had returned the charge sheet on 01.06.2023 asking further investigation to be done.

5. Instructions are taken on record.

6. This petition is ***disposed of*** with a direction to the petitioner to approach the Court concerned under Section 156 (3) Cr.P.C. in view of the law settled in the case of ***Sakiri Vasu Vs. State of U.P. and Others*** reported in **2008 (2) SCC 409**.

Order Date :- 11.12.2023

Rahul