

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9325 of 2023

Petitioner :- Ranjeet Kumar

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

Counsel for Petitioner :- M.K. Dixit

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 opposite parties specially opposite party no.4 to conduct fair and impartial investigation in respect of F.I.R. No.1066/2023, U/S-323/504/506/324/427/447/308/34 I.P.C., Police Station Kotwali Nagar, District Barabanki, by collecting and persuing all the relevant material including the revenue documents as well as the statement of the witnesses required to be taken for fair and impartial investigation in accordance with the para 107 of the Police Regulation."

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

4. It is the case of the petitioner that an F.I.R. was lodged by him on 01.10.2023 against private respondents. The Investigating Officer is not taking interest in proper investigation of the case. Hence this petition has been filed.

5. Learned A.G.A. on the other hand, has raised a preliminary objection saying that for the relief, as claimed in this petition, the petitioner has statutory remedy of filing a Complaint/ Application before the Judicial Magistrate, concerned, under Section 156 (3) Cr.P.C. as observed by the Hon'ble Supreme Court in the case of **Sakiri Vasu Vs. State of U.P. and Others** reported in **2008 (2) SCC 409**, an application can be filed to the

Magistrate concerned who has very wide powers to direct and ensure a proper investigation. He can also monitor such investigation that the investigation is done properly.

6. This petition is finally ***disposed of*** with a direction to the petitioner to approach the Magistrate concerned under Section 156 (3) Cr.P.C., who shall look into the matter and ensure that justice is done to the Complainant/ Informant.

Order Date :- 11.12.2023

Rahul