

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9610 of 2023

Petitioner :- Raj Kumar Mishra

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home, U.P. Lucknow And Others

Counsel for Petitioner :- Abdul Alim Khan

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 writ petition has been filed praying the following main reliefs:

"(i) issue a writ, order or direction in the nature of mandamus directing the Opposite parties 2/ Superintendent of Police Baharaich, District- Baharaich to transfer the investigation of the First Information Report dated 09.11.2023 lodged by the petitioner/complainant in FIR No. 407/2023, Under Sections- 419, 420, 467, 468 & 471 I.P.C, pertaining to Police Station- Qaisarganj, District- Baharaich, to any other police station or any independent agency.

(ii) issue a writ, order or direction in the nature of Mandamus directing the Opposite Party No.02 the Superintendent of Police Baharaich, District- Baharaich to take appropriate action on the representation dated 04.12.2023 in regard to transfer of the investigation of Case Crime/ FIR No. 407/2023, Under Sections- 419, 420, 467, 468 & 471 I.P.C, pertaining to Police Station- Qaisarganj, District- Baharaich, in the interest of justice."

It has been submitted by the learned counsel for the petitioner that the petitioner has lodged a First Information Report dated 9.11.2023 registered as FIR No. 407/2023 under Sections 419, 420, 467, 468, 471 IPC, P.S. Qaisarganj, District Bahraich but it is not being investigated fairly due to the collusion of opposite party nos. 3 and 4 with the opposite parties no. 5 to 11. It has further been submitted by the learned counsel for the petitioner that the petitioner has made a representation in this regard to the Superintendent of Police, Bahraich on 4.12.2023, copy of which has been annexed as Annexure-4 to the writ petition.

This petition is **disposed of** with a direction to the opposite party no. 2 to look into the grievance of the petitioner and pass an appropriate, reasoned and speaking

order within a period of six weeks from the date a copy of this order is produced before him.

It is made clear that this Court has not entered into the merits of the case and the opposite party no. 2, Superintendent of Police, Bahraich is free to decide the representation of the petitioner strictly in accordance with law.

Order Date :- 19.12.2023
AKK