

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9862 of 2023

Petitioner :- Smt. Gayatri

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

Counsel for Petitioner :- Anand Kumar Singh, Karuna Shankar Bajpai

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Karunesh Singh Pawar, J.

(1) Heard the learned counsel for the petitioner and the learned A.G.A. who appears for the Opposite party nos.1 to 3.

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

"1) Issue a writ, order or direction in the nature of Mandamus commanding to the Opposite parties concerned to take the necessary action in respect of grievances of petitioner raised in her application dated 18.11.2023 as contained in Annexure No.1 to this writ petition and get made the fair and proper investigation in respect of case crime no.0548/ 2023, under section 354,323, and 306 1.P.C, P.S- Atrauli, Distt. Hardoi, from police of any other police station or any independent agency like G., C.I.D. or crime branch police etc, and also take the necessary action against the named accused persons of the aforesaid case as well as other accused persons who have not been named by the concerned police, in the interest of just be, and also protect life and liberty of petitioner and her family members from accused persons of said case."

(3) It is the case of the petitioner that the F.I.R. was lodged by her on 04.11.2023 against known persons. The Investigating Officer is not taking interest in proper investigation of the case. Hence this petition has been filed.

(4) 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.

(5) 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 :- 22.12.2023
N.PAL