

# **Rajeshwari Shankar Lal Verma vs State Of U.P. Thru. Addl. Chief Secy. ... on 31 January, 2025**

**Author: Sangeeta Chandra**

**Bench: Sangeeta Chandra**

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:6815-DB

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 867 of 2025

Petitioner :- Rajeshwari Shankar Lal Verma

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Home Deptt. Lko. And 8 Others

Counsel for Petitioner :- Rakesh Kumar Singh

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Shree Prakash Singh,J.

1. Heard the learned counsel for the petitioner and the learned A.G.A. who appears for the respondent nos.1 to 3.
2. For the orders proposed to be passed, issuance of notice to private respondents is dispensed with.
3. This petition has been filed by the petitioner with the following main prayer:-

"i) A writ, order or direction in the nature of Mandamus thereby commanding and directing the opposite party nos.2 and 3 to make fair investigation in pursuance of the F.I.R. dated 25/12/2024 lodged by the petitioner against the accused persons/

opposite party nos.4 to 9 in Case Crime No.0192/2024, under Sections 191(2), 103 and 238 of Bhartiya Nyaya Sanhita, 2023 at the Police Station Mandhata, District Pratapgarh, as contained in Annexure No.1 to this writ petition."

4. It has been submitted by learned counsel for the petitioner that the petitioner has lodged an F.I.R. and it is a case of murder, but no steps have been taken by the Investigating Officer to conduct the investigation fairly. Hence this petition has been filed.
5. Learned A.G.A., on the basis of instructions, says that the F.I.R. was lodged only on 25.12.2024, but till 25.01.2025 seven parchis have been issued and statements of various witnesses have also been recorded including of one who lives in Mumbai.
6. Learned A.G.A. has also 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 175(3) of B.N.S.S. (corresponding 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.
7. This petition is finally disposed of with a direction to the petitioner to approach the Magistrate concerned under Section 175(3) of B.N.S.S. (corresponding Section 156(3) Cr.P.C.), who shall look into the matter and ensure that justice is done to the Complainant/ Informant.

Order Date :- 31.1.2025 Rahul