

Court No. - 67

Case :- CRIMINAL MISC. WRIT PETITION No. - 16110 of 2023

Petitioner :- Jay Singh

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Upendra Kumar Singh, Raksha Chauhan, Satyendra Tripathi

Counsel for Respondent :- G.A.

Hon'ble Rahul Chaturvedi, J.

Hon'ble Mohd. Azhar Husain Idrisi, J.

Heard learned counsel for the petitioner, learned A.G.A. for the State and perused the record.

By means of the present petition, the petitioner is assailing the legality and validity of the FIR dated 06.11.2018 registered as Case Crime No. 250 of 2018, under Sections 147, 302 I.P.C., Police Station Lalauli, District Fatehpur.

It is contended by learned counsel for the petitioners that from the very beginning the local police was not investigating the case in free and fair manner and thus, the petitioner preferred Criminal Misc. Writ Petition No. 34027 of 2018 (Jay Singh Vs. State of U.P. and others) before this Court whereby a Division Bench of this Court on 27.03.2019 has passed the following order:-

"Heard learned counsel for the petitioner, Sri R.R. Chauhan holding brief of Sri Lal Pratap Singh, learned counsel for the respondent nos. 4 to 8 and Sri Mohd. Nadim, learned A.G.A. for the State.

The prayer made in the writ petition is to the following effect:-

"i. Issue writ, order or direction in the nature of mandamus directing the respondent No.2 to take coercive action against the respondent Nos. 4 to 8 in pursuance of the F.I.R. dated 06.11.2018 registered as Case Crime No. 250/2018 under Sections 147, 302 I.P.C., P.S. Lalauli, District Fatehpur.

ii. Issue writ, order or direction in the nature of mandamus directing the respondent No.2 to take appropriate action for fair investigation in Case Crime No. 250/2018 under sections 147, 302 I.P.C., P.S. Lalauli, District Fatehpur.

iii. Issue any other appropriate writ, order or direction to which the petitioner be found entitled under the facts and circumstances of the case."

Looking to the nature of the controversy in issue and the allegation as has been made in the writ petition, no purpose would be served in keeping the matter pending before this Court, the writ petition is being disposed of with the following directions:-

(a) the respondent nos. 2 and 3 are hereby directed to ensure fair and proper investigation, strictly in accordance with law, with regard to the first information report dated 6.11.2018 registered as Case Crime No. 250 of 2018.

(b) the I.G., Allahabad within whose jurisdiction will also personally look into the matter and will ensure fair and proper investigation; he will also monitor the investigation to the best of his ability in accordance with law, and if he may not satisfy with the stage of the investigation, he may transfer the investigation to some other suitable or efficient investigating officer.

(c) it is deemed fit that the investigation may now be completed within a period of three months, if possible, from the date of the production of a certified copy of this order before the S.P., Fatehpur as well as the I.G., Allahabad.

With the aforesaid directions, the writ petition is disposed of finally."

After service of order, the matter was remitted back and the police has submitted closer/final report. The said final report was challenged before the Chief Judicial Magistrate, Fatehpur and the Chief Judicial Magistrate has passed a detailed order quashing the final report vide order dated 08.08.2022 and directed the police for further investigation into the matter. This order was passed way back in the year 2022 and no action has been taken so far.

In the circumstances, let the Superintendent of Police, Fatehpur is hereby directed to entrust this matter to Investigating Officer of Crime Branch within next 15 days and it is expected from the Investigating Officer of Crime Branch to make fair investigation in the matter and submit its report under Section 173(2) Cr.P.C. latest by 31st December, 2023.

With the aforesaid observations, this writ petition is **disposed of**.

Order Date :- 12.10.2023

Rmk.