

Court No. - 93

Case :- APPLICATION U/S 482 No. - 44019 of 2023

Applicant :- Ravikant Uttam

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Manvendra Nath Singh

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj,J.

Applicant-Complainant has filed this application under Section 482 Code of Criminal Procedure for issuance of directions to the opposite party no.3 to register the F.I.R. in compliance of the order dated 20.9.2023 passed by Additional Civil Judge (J.D.)-Ist, Kanpur Nagar in Complaint Case No. 3290 of 2023, titled Ravikant Vs. Unknown and others, Police Station Chakeri, District Kanpur Nagar.

On 1.12.2023, the following order was passed by this Court:-

"Learned counsel for the complainant has drawn the attention of the Court to the order dated 20.09.2023 (Annexure 2) to contend that in respect of the theft of his vehicle the police was not registering the case, therefore, the Judicial Magistrate, Kanpur Nagar has in exercise of powers under Section 156(3) Cr.P.C. directed registration of case and investigation. He submits that despite this order no F.I.R. has been lodged and an explanation dated 27.10.2023 (Annexure 4) given by the Station House Officer, Police Station Chhawani, Kanpur Nagar to the Magistrate reveals that because of engagement of police officials in festive days kept them over busy, therefore the case has not been registered.

According to learned counsel, though it is mentioned in communication dated 27.10.2023 that the needful shall be done shortly, but till date no F.I.R. has been registered.

Prima facie, the explanation dated 27.10.2023 is unacceptable and also amounts to violation of the order dated 20.09.2023.

Let the Commissioner of Police, Kanpur Nagar and Station House Officer, Police Station Chhawani, Kanpur Nagar appear before this Court in-person on 07.12.2023 to explain the reason for not complying with the order dated 20.09.2023, and further, as to why an action be not taken against them.

Put up on 07.12.2023 as fresh."

Today, Mr. P.K. Giri, learned Additional Advocate General assisted

by Ms. Divya Ojha, learned Additional Government Advocate-I has filed compliance affidavit by Dr. Ram Krishna Swarnkar, Commissioner of Police, Commissionerate Kanpur Nagar and has stated that pursuant to the order dated 1.12.2023, Dr. Ram Krishna Swarnkar, Commissioner of Police and Sri Ajay Kumar Singh, Station House Officer are present in the Court. Mr. P.K. Giri, learned Additional Advocate General has further stated that in compliance of the order dated 20.9.2023 passed by Additional Civil Judge (J.D.)-Ist, Kanpur Nagar, F.I.R. bearing No. 0086 of 2023 has been registered for the alleged commission of offence punishable under Section 379 I.P.C.

At this stage, Dr. Ram Krishna Swarnkar, Commissioner of Police has fairly stated that opposite party no.3 disobeyed the order dated 20.9.2023 passed by Additional Civil Judge (J.D.)-Ist, Kanpur Nagar and for this misconduct, a preliminary inquiry has been ordered against him on 2.12.2023. In this regard, attention of the Court is drawn to the paragraph no.4(ii) of the compliance affidavit.

The opposite party no.3 through his affidavit filed in the Court today has admitted the lapse on his part and has tendered his unconditional and unqualify apology.

At this stage, learned counsel for applicant states that grievance of the applicant raised in this application stands redressed and nothing survives for adjudication.

Considering the above background, particularly the affidavit filed by the Commissioner of Police and opposite party no.3, no further orders are called for by this Court. However, it is expected that inquiry initiated by the Commissioner of Police, Kanpur Nagar against the opposite party no.3 is taken to its logical conclusion expeditiously.

The application is dismissed as infructuous.

Order Date :- 7.12.2023

P.S.Parihar