

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 2869 of 2017

Applicant :- Vinod Kumar Kanaujia

Opposite Party :- Vipin Kumar Mishra Superintendent Of Police Hardoi

Counsel for Applicant :- Kapil Kumar Bhargava

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Sri Kapil Kumar Bhargava, learned counsel for the petitioner and Sri Ram Swaroop, learned Standing Counsel.

2. Attention has been drawn of this Court towards order of Writ Court dated 25.10.2017 passed in Writ Petition No. 25366 (M/B) of 2017 which reads as under:

"1. This petition seeks issuance of a writ in the nature of certiorari quashing F.I.R./Crime No.243 of 2017, under Sections 498-A, 504, 506 I.P.C. and Section 3/4 of Dowry Prohibition Act, Police Station Baghauli, District Hardoi.

2. The principal ground of challenge taken by the petitioners is that the impugned F.I.R. has been registered at Hardoi for mala fide reason. No part or portion of the incident/transaction took place within the territorial jurisdiction of Hardoi. Appropriate jurisdiction would be at Lucknow. Mere residence of the complainant would not transfer territorial jurisdiction for the purpose of investigation.

It has further been argued that for effective investigation, local police would have better access to the accused and the witnesses, therefore it would be in the interest of justice to quash the impugned F.I.R.

3. We have considered the contention of learned counsel.

Simply because the F.I.R. has been registered in some other police station, it would not be a ground to quash the F.I.R.

Investigation can be transferred to a police station with appropriate territorial jurisdiction.

4. Considering the totality of the facts and circumstances of the case, we hereby direct Superintendent of Police, Hardoi to go through the contents of the F.I.R. and other circumventing circumstances and take appropriate decision in regard to territorial jurisdiction. In case the investigation cannot be conducted within the area of District Hardoi, appropriate direction be issued for transfer of investigation to appropriate police station.

5. Let the needful be done by Superintendent of Police, Hardoi within fifteen days from the date of receipt of copy of this order.

6. The petition is disposed of with the aforesaid direction."

3. Attention has been drawn of this Court towards the affidavit of compliance filed on 20.03.2018 showing Annexure no. A-1 which is an order dated 27.01.2018, whereby the then Superintendent of Police, Hardoi has passed the order in compliance of the order of Writ Court indicating therein that the

investigation in the present issue shall be conducted at Hardoi itself.

4. Learned Standing Counsel has stated that since the order of Writ Court has been complied with and no reply/objection to the affidavit of compliance has been filed after 2018, so the present contempt petition may be dismissed.

5. Learned counsel for the petitioner has stated that the aforesaid order dated 27.01.2018 has been assailed before the Court and before disposal of that writ petition, the opposite parties have filed chargeheet. Thereafter, the chargesheet has been assailed and this Court has quashed the chargesheet in the month of July, 2023. He has further submitted that on account of illegal and unwarranted inaction on the part of the authority, the petitioner has suffered a lot.

6. Be that as it may, since the order has been passed by the then Superintendent of Police, Hardoi in compliance of the order of Writ Court and thereafter much water has been flown, as considered above, therefore, there is no purpose to keep this contempt petition pending any longer.

7. Accordingly, the instant contempt petition is ***dismissed***.

8. Notices, if any, are discharged.

9. However, if the petitioner has suffered any loss in pursuing the various cases for no fault on his part, he may file the Suit for damages or may take any other legal recourse which is maintainable and needless to say that in that case any appropriate order may be passed strictly in accordance with law.

[Rajesh Singh Chauhan,J.]

Order Date :- 6.11.2023

kkv/