

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7694 of 2023

Petitioner :- Smt. Kiran Devi And Another

Respondent :- State Of U.P. Thur. Addl. Chief Secy./Prin. Secy. Home Deptt. Lko. And Others

Counsel for Petitioner :- Vimlesh Kumar Kashyap, Rajesh Kumar Kashyap

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Ajai Kumar Srivastava-I, J.

1. Heard the learned counsel for the petitioners and the learned A.G.A.

2. This Court had passed an order on 06.10.2023, which is being quoted herein below:-

"Heard learned counsel for the petitioners and learned A.G.A. for the State.

This petition has been filed with the prayer for Mandamus to be issued to the respondent nos.2 and 3 to not harass the petitioners.

It appears that specific allegations have been made against Station House Officer, P.S. Sandana, District Sitapur and Constable Bhagwandas Yadav, P.S. Sandana, District Sitapur, in the application made by the petitioners to the Superintendent of Police, Sitapur.

Learned A.G.A. shall seek instructions as to whether the application made by the petitioners on 01.10.2023, a copy of which has been filed as annexure-1 to the petition, at page 15, has been considered by the Superintendent of Police Sitapur.

List this case on 16.10.2023 as fresh."

3. The learned A.G.A. has produced before this Court instructions sent by the Sub-Inspector Rajnish Verma, Police Station Sandana, District Sitapur wherein it has been stated that the application that was made by the petitioners through

Sri Vimlesh Kumar Kashyap, Advocate was inquired into on the directions of the Superintendent of Police, Sitapur. During the inquiry, it was found out that in Case Crime No.521 of 2023, under Sections 336, 427, 286, 120B I.P.C. and Section 5 of the Explosive Substances Act, the accused is Shubham @ Rahul Kashyap S/o Lalta R/o Faizullaganj Madiyaon, Lucknow original R/o Nagwa Jairam, Police Station Sandana, District Sitapur came to light. A Police team from Police Station Sandana, District Sitapur consisting of Sub-Inspector Amit Kumar Sahu, Head Constable Bhagwan Yadav and Constable Jonis Kumar had gone to Village Nagwa Jairam to apprehend Shubham @ Rahul Kashyap. Shubham @ Rahul Kashyap was not found at Village Nagwa Jairam. Rahul's sister, Sangeeta W/o Vivek R/o Village Jamunapur Natvalgrunt, Police Station Sandana, District Sitapur was also contacted in the matter and the police team went to Village Jamunapur and inquired from Nand Kishore S/o Chhedu and Ram Shanker S/o Kallu, who had given the information regarding Sangeeta W/o Vivek being the real sister of Shubham @ Rahul Kashyap, the accused. The petitioner No.1, Smt. Kiran Devi W/o Mahesh Kumar is the mother-in-law of Sangeeta W/o Vivek. The Police no doubt had gone to the house of Sangeeta, but no indecent or other objectionable behaviour with the ladies of the house, in which Sangeeta and Smt. Kiran Devi are residing, was meted out to the petitioners. The petitioners have not lodged any first information report for any such objectionable behaviour at Police Station Sandana. There is no first information report lodged against either Smt. Kiran Devi or her husband Mahesh Kumar or any other family members. The police had gone to their house only to find out the whereabouts of Shubham @ Rahul Kashyap, who is an accused in Case Crime No.521 of 2023, Police Station Madiyaon, District Lucknow.

4. The instructions are kept on record.

5. The writ petition is **disposed of** with a direction to the petitioners that in case, the police personnel of Police Station Madiyaon or Police Station Sandana have misbehaved with the ladies of the house, they may file an appropriate complaint case under Section 200 Cr.P.C., if so advised.

(Ajai Kumar Srivastava-I, J.) (Sangeeta Chandra, J.)

Order Date :- 16.10.2023

cks/-