

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 3484 of 2023

Applicant :- Radharam

Opposite Party :- Sri. S.B. Shiradkar, Commissioner Of Police, Lko. And Another

Counsel for Applicant :- Udai Pratap Yadav

Hon'ble Rajesh Singh Chauhan,J.

1. Heard learned counsel for the petitioner and Sri Mayankar Singh, learned Standing Counsel.

2. This Court has passed the order dated 10.10.2023, which reads as under:-

"1. Heard learned counsel for the petitioner.

2. Attention has been drawn towards the order of writ court dated 3.3.2023 passed in Criminal Misc. Writ Petition No. 1753 of 2023 which reads as under :

"Heard Sri Udai Pratap Yadav, learned Counsel for the petitioner and Sri Pawan Kumar Mishra, learned Additional Government Advocate for the State/respondent Nos.1 to 5 and perused the material brought on record.

The present petition has been filed by the petitioner-Radharam with a prayer to direct the respondent Nos.1 to 5 to take immediate action for conducting fair, impartial and speedy investigation in respect of F.I.R. No. 0481 of 2019 under Sections 420, 409 I.P.C., Police Station Vibhuti Khand, District Lucknow, contained in Annexure No.1 to the writ petition.

It has been argued by learned counsel for the petitioner that on 26.07.2019, one Divya Gupta has lodged an F.I.R. No. 0481 of 2019 against the company of opposite party Nos. 6 to 9 under Sections 420, 409 I.P.C., Police Station Vibhuti Khand, District Lucknow. Thereafter, when the petitioner approached the police for lodging of an F.I.R. against the aforesaid company on 14.08.2021, the police of Police Station Vibhuti Khand has merged the matter with the aforesaid F.I.R. No. 481 of 2019 lodged by one Divya Gupta. Since then, three and half years have passed, but no action has been taken by the police. In these circumstances, the instant writ petition has been filed.

Learned Additional Government Advocate submits that the matter is under investigation.

Having examined the submissions advanced by learned counsel for the parties, we direct the Investigating Officer of the case to complete the investigation, after considering the case of the petitioner and submit a

police report expeditiously.

Accordingly, the writ petition is disposed of."

3. Learned counsel for the petitioner has stated that despite the service of notice the investigating officer i.e. opposite party no. 2 the compliance of the writ court's order has not been done in its letter and spirit till date.

4. Learned counsel for the petitioner is directed to provide two copies of the contempt petition to Sri Sunil Bajpayee, learned Addl. C.S.C. who shall seek specific written instructions from opposite party no. 2 i.e. Sri Utkarsh Srivastava, Investigation Officer of Case Crime No. 0481/2019, P.S. Vibhuti Khand, Gomti Nagar, Lucknow / Director General of Economic Offence Wing (EOW), District Lucknow, as to whether the investigation has been completed in terms of order of this Court or not.

5. List on 16.11.2023 within top ten cases."

3. In compliance of the aforesaid order, Sri Mayankar Singh, learned Standing Counsel has produced copy of detailed instructions letter dated 30.10.2023 preferred by the Sub-Inspector, Economic Offence Investigation Wing, U.P., Lucknow, the same is taken on record, and photocopy thereof has been provided to the learned counsel for the petitioner.

4. As per the aforesaid instructions, the investigation was concluded and earlier Investigating Officer has filed the charge-sheet on 07.08.2021. Thereafter, in compliance of order of the Writ Court the investigation has been handed over to the signatory of the instructions letter on 04.10.2023, who has concluded the investigation as recital to this effect has been given replying the contents of paras-14 and 17 of the contempt petition.

5. Be that as it may, if the investigation has been concluded and the same has not been concluded strictly in accordance with law, the petitioner has got appropriate legal remedy for redressal of his grievance before appropriate authority/ court of law, but the aforesaid subject matter may not be adjudicated in the contempt petition.

6. Therefore, the instant contempt petition is ***dismissed***.

7. Notice, if any, stands discharged.

[Rajesh Singh Chauhan,J.]

Order Date :- 16.11.2023
Suresh/