

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9211 of 2023

Petitioner :- Sufiya Begum And Others

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Home Civil Sectt. Lko. And Others

Counsel for Petitioner :- Ashok Kumar Mishra

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

In compliance of our earlier order, personal affidavit of the Superintendent of Police, Bahraich has been filed today, which is kept on record.

In the affidavit, Superintendent of Police, Bahraich has stated that the IGRS Scheme is meant to redress the grievance of common persons through online portal, called "Samadhan". Along with lodging of complaints, citizens can also interact with the government/departments/offices in the immediate and transparent manner with the help of technology. Complaints from all sources will be available on a single platform to all departments which would improve, access, redressal and monitoring. A complaint was made in the instant case through IGRS portal on 01.10.2023 with regard to an incident on 30th September, 2023 regarding the death of the son of the complainant. In pursuance of the relevant Government Orders, the beat police officer, i.e. the Head Constable conducted a preliminary inquiry on 09.10.2023. F.I.R. bearing Case Crime No.367/2023 was lodged on 11.10.2023 against Sufiya and 12 others under Sections 147, 306, 504, 506 IPC, Police Station Dargah Shareef, District Bahraich. Currently the Investigating Officer is conducting the Investigation. It has been stated in paragraph 13 of the personal affidavit of the Superintendent of Police, Bahraich that when any complaint is received through IGRS Portal which discloses information as to any cognizable offence, the complaint is forwarded to the Incharge Police Station to take appropriate action on the complaint in accordance with law, which includes lodging of First Information Report. In the instant case, although complaint was forwarded to the Incharge Police Station, therefore, the Additional Superintendent of Police, Rural, Bahraich has now been asked to conduct a preliminary fact finding inquiry with respect to negligance on the part of the officer incharge of the

police station Dargah Shareef. Copy of the order dated 08.12.2023 appointing the Additional Superintendent of Police, Rural, Bahraich to conduct fact finding inquiry has been filed as Annexure to the affidavit.

It has been argued by the learned A.G.A. that the inquiry report that has been relied upon by the petitioners is actually a fact finding inquiry that has been done by the beat constable, although the signatures of the Incharge Police Station and the Chowki Prabhari have also been appended thereto.

It has been stated that such inquiry shall not influence or prejudice the investigation being carried out by the Investigating Officer.

Shri Sanjay Kumar Sharma, Advocate, has filed his Vakalatnama on behalf of respondent No.4. He has produced before this Court copy of the note made in the diary by Mohd. Kasim in his own handwriting wherein he has stated that he is being constantly threatened by the main accused, i.e. the petitioners. He has been forced to commit suicide because of constant threats and harassment and mental torture.

The Investigating Officer shall take into account the relevant extract of the diary, a copy of which has been produced before this Court by learned counsel for the respondent No.4 and verify the genuineness of the handwriting by sending it to the Forensic Science Laboratory. He shall take appropriate steps in the matter in accordance with law thereafter.

In case petitioner No.6 is minor, his guardian shall produce educational documents in support of this averment before the Investigating Officer who shall produce petitioner No.6 before the Juvenile Justice Board concerned for determining of his juvenality and appropriate steps to be taken thereafter in accordance with law.

With the above observation and direction, the writ petition stands **disposed of**.

Order Date :- 12.12.2023
ML/-