

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9265 of 2023

Petitioner :- Karunesh @ Golu And Others

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home Lko. And Others

Counsel for Petitioner :- Pramod Kumar Singh

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

1. Heard learned counsel for the petitioners, learned A.G.A. for the State Respondents, Sri Sanjay Kumar Singh, Advocate who has filed his vakalatnama on behalf of the opposite party no. 4, which is taken on record.

2. This writ petition has been filed with the following main prayers:-

"(i) issue a writ, order or direction in the nature of Certiorari quashing the impugned Non-Cognizable Report (N.C.R.) registered in N.C.R. No. 0049 of 2021 Under Section 323, 504 IPC., at Police Station Chanda, District- Sultanpur, as contained in Annexure No.1 to this Writ Petition.

(ii) issue a writ, order or direction in the nature of Mandamus directing the opposite party No. 2 & 3 to expunge the name of the petitioners from criminal history which is recorded on the basis of impugned Non-Cognizable Report (N.C.R.) registered in N.C.R. No. 0049 of 2021 Under Section 323, 504 IPC., at Police Station Chanda, District- Sultanpur."

3. It has been submitted by learned counsel for the petitioners that a non-cognizable report of an alleged incident of assault has been lodged on 22.06.2021 at 08:30 Hours in Police Station- Chanda, District- Sultanpur under Sections 323, 504 of the I.P.C. More than two years and five months have elapsed, but no investigation has been initiated and no attempt has been made by the Police Officer concerned to file an application under Section 155(2) of the Cr.P.C. before the Magistrate for an order to be passed for investigation of such offence. The petitioners had no knowledge about the N.C.R. No. 0049 of 2021 till recently and the petitioner no.1 had applied for passport on 16.01.2023 and during the process of police

verification, the police has submitted a report regarding lodging of N.C.R.. The passport has not been issued till date because of such a report by the Police Station. The petitioner no.3 has also been declared successful in the selection of Constable(Fire) Recruitment 2021 initiated by the Central Industrial Security Force. If such, N.C.R. is not quashed then his entire carrier will be spoiled, as he will not be given an appointment order.

4. It has also been submitted that the petitioners as well as the opposite party no. 4 has entered into a compromise, the original compromise has been filed as annexur-04 to the writ petition.

5. The appropriate remedy for the petitioners is to approach the Magistrate concerned by filing an application.

6. The writ petition is not maintainable, it is ***dismissed*** as such.

7. The Registry is directed to return the original compromise after retaining the photocopy of the same on record.

Order Date :- 6.12.2023

Darpan Sharma