

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9732 of 2023

Petitioner :- Bare Lal Pandey

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

Counsel for Petitioner :- Surya Prakash Singh

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Karunesh Singh Pawar,J.

1. Heard learned counsel for the petitioner, learned A.G.A. for the State-respondents.

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

"1. To issue a writ, order or direction in the nature of mandamus commanding the Opposite Party No. 2 and 3 to timely collect the necessary electronic evidence from the relevant parties, particularly the Mobile Phone Call and Location (Tower) records for the date of the alleged incident, date: 22.10.2022 for Mobile No.: 9198608746 (Vodafone-Idea) of the Petitioner and Mobile No.: 8953326724 of the Opposite Party No. 4, as the mobile records are available for a limited period of time with the Telecom service providers and those are independent and valuable evidence of sterling quality to prove the falsehood of allegations in FIR No. 0352 of 2022, P.S. Manikpur, Pratapgarh, U.P.

2. To issue a writ, order, or direction in the nature of mandamus commanding the Opposite Party No. 2 and 3 to do a fair and scientific investigation in relation to FIR No. 0352 of 2022 and file the Final Investigation Report in the concerned Court in a time-bound manner, preferably four weeks."

3. It has been submitted by learned counsel for the petitioner that the petitioner is a retired air force personnel and his only son is scientist and residing abroad. The petitioner had lodged F.I.R. No.0281 of

2022 on 23.09.2022 at P.S. Manikpur, District Pratapgarh against the opposite party No.4 and three others. The opposite party No.4 thereafter, submitted a false complaint on 09.11.2022 to the opposite party No.2 alleging a loot of Rs.2,000/- by the petitioner. The petitioner submitted an application on 21.11.2022 mentioning all relevant facts and details to the opposite party No.2 Superintendent of Police, Pratapgarh about the allegations levelled against him of extortion by opposite party No.4. He also submitted an application to the Inspector General of Police on 15.12.2022 mentioning details of how the opposite party No.4 was harassing the petitioner. The Inspector General of Police, Prayagraj Range by his order dated 15.12.2022 directed the Superintendent of Police, Pratapgarh to personally look into the matter and to investigate it fairly and take suitable legal action. The petitioner again submitted his application to the Superintendent of Police, Pratapgarh on 16.12.2022 regarding continuing harassment by the opposite party No.4. The Superintendent of Police directed the Additional Superintendent of Police (West), Pratapgarh to look into the matter and submit a report. Now F.I.R. No.0352 of 2022 has been lodged on 19.12.2022 at P.S. Manikpur by the opposite party No.4. The petitioner has submitted documentary and electronic evidence to the Investigating Officer to prove his innocence and falsehood of the F.I.R. No.0352 of 2022 but the Investigating Officer is not looking into the evidence and therefore, this petition has been filed.

4. This petition is disposed of with a direction to the Investigating Officer to follow mandate of provisions of paragraph 107 of the Police Regulations in letter and spirit.

Order Date :- 21.12.2023
Saurabh Yadav/-