

Court No. - 6

Case :- WRIT - A No. - 9854 of 2024

Petitioner :- Ram Baran Singh

Respondent :- State Of U.P. Thru. Prin. Secy. Home Civil
Sectt. Lko And 2 Others

Counsel for Petitioner :- Ramesh Singh

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur,J.

1. Sri Ramesh Singh, learned counsel on behalf of the petitioner, learned Standing Counsel on behalf of the respondents no.1 to 3 and Sri Paavan Awasthi, learned counsel has filed his Vakalatnama on behalf of the respondent no.4.

2. It has been submitted by counsel for the petitioner that the genesis of the dispute in the present case is on account of the fact that on 24.04.2017 an unknown body of a lady was found near GRP Phapund. Subsequently, the body was identified to be of Vimla Devi, who was the daughter-in-law of Jay Narayan. Jay Narayan tried to lodge a complaint with regard to the death of his daughter-in-law at two police station but none of the police station recorded the first information report disputing the territorial jurisdiction of the police station.

3. It is in the aforesaid circumstances that Jay Narayan made a complaint to the National Human Rights Commission, New Delhi where his complaint was entertained and for the delay in lodging the FIR by the police official, it was held that the same

amounted to violation of the Human Rights and held the State Government to be vicarious liable to compensate a victim and the Chief Secretary of Uttar Pradesh was directed to pay an amount of Rs.1,00,000/- to next of kin of the deceased within six weeks. The National Human Rights Commission also directed an inquiry to be conducted with regard to the delay in lodging of the first information report.

4. It is in compliance of the directions of the National Human Rights Commission's order dated 04.06.2021 that the impugned order dated 18.06.2024 has been passed by the Superintendent of Police, Auraiya. In its order, he has narrated the contents of the order of the National Human Rights Commission and has held that the petitioner was responsible for not registering the first information report and consequently, has penalized the petitioner with penalty of Rs.1,00,000/- to be paid into the State Treasury. The petitioner being aggrieved by the order dated 18.06.2024 has submitted that the National Human Rights Commission had directed the recovery of the said amount from the guilty police personnel in accordance with law. He has further stated that neither was any show cause notice given to him nor any opportunity of hearing afforded prior to passing of the impugned order. He further submits that he was not the person responsible for lodging the first information report and therefore, even on merits the said order is infirmed and is liable

to be set aside.

5. Counsel for the respondents has opposed the writ petition but did not dispute the aforesaid facts.

6. This Court has heard the rival contentions and also perused the record.

7. A perusal of the impugned order indicates that merely on reiterating the findings recorded by the National Human Rights Commission, the Superintendent of Police, Auraiya by means of the impugned order has held the petitioner to be responsible for non-registration of the first information report pertaining to the death of Vimla Devi near the railway track. In the entire order, there is no mention as to whether any show cause notice was given to the petitioner or that any reply was submitted to him in his defence. Accordingly, this Court is of the considered view that the said order has been passed in gross violation of principle of nature justice and therefore, is illegal and arbitrary in violation of Articles 14 and 16 of the Constitution of India. Accordingly, the order which impinges upon the civil rights of an individual can not be passed without giving any opportunity and the present order part from casting a stigma on the petitioner has penalized him for an amount of Rs.1,00,000/- for dereliction of his duties and it was mandatory for the respondents to have conducted an inquiry in accordance with

law.

8. In light of the above, the impugned order is illegal and arbitrary and accordingly is quashed. The matter is remitted to the opposite party no.3 and he shall be at liberty to pass a fresh order in accordance with law.

9. The writ petition is **allowed**.

[Alok Mathur,J.]

Order Date :- 18.12.2024
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