



2025:AHC-1 KO:81EE2-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. WRIT PETITION No. - 1025 of 2025

Durgesh Kumar @ Durgesh Gupta

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko. And
Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ramesh Gupta, Amit Chopra
Counsel for Respondent(s)	:	G.A.

Court No. - 11

HON'BLE ABDUL MOIN, J.

HON'BLE MRS. BABITA RANI, J.

1. Personal affidavit filed today is taken on record.
2. Heard learned counsel for the petitioner and learned A.G.A. for the respondents-State. No notice is being issued to the respondent No.4 taking into consideration the nature of order proposed to be passed.
3. Instant writ petition has been filed praying for a writ of mandamus commanding the respondent No.2 to transfer the investigation of FIR No.230 of 2024 under Sections 419, 420, 467, 468, 471 IPC, Police Station Mahmoodabad, Sitapur to either CBI or CB-CID or the Crime Branch.
4. Contention of the learned counsel for the petitioner is that despite the aforesaid FIR having been lodged on 07.06.2024, the respondents have not proceeded further with the investigation and hence the petition.
5. This Court had passed a detailed order on 10.10.2025, which for the sake of convenience is reproduced hereunder:-

"1. Heard Sri Ramesh Gupta, learned counsel for the petitioner and Sri S.P. Singh, learned AGA for the State-opposite parties no.1, 2 & 3.

2. Issue notice to opposite parties no.4 to 7 returnable at an early date.

3. Steps within a week. Office to proceed accordingly.

4. *By means of this petition, the petitioner has prayed the following main relief:-*

"(I) Issue a writ, order or direction in the nature of mandamus commanding the opposite party no.2 to transfer the investigation of crime no. 0230/2024, u/s 419, 420, 467, 468, 471 I.P.C. registered at Police Station Mahmoodabad District Sitapur to any other Police Station of District Sitapur or to a premier agency of the prosecution preferably Central Bureau of Investigation, CBCID or Crime Branch for making free and fair investigation."

5. *Learned counsel for the petitioner has stated that the FIR has been lodged on 07.06.2024 but till date, neither any accused person has been apprehended nor any concrete or incriminating material has been collected by the Investigating Officer for the reason best known to him. As a matter of fact, as per learned counsel for the petitioner, the investigation is going on in a cursory manner just as an eyewash, therefore, such investigation may be transferred to any other Agency or police station.*

6. *On that, Sri S.P. Singh, learned AGA, has stated that since the signatures of accused persons and others are to be verified, therefore, specimen of the signatures have been sent for FSL and the FSL report has not been received to the Investigating Agency, therefore, some time has been taken to conduct and conclude the investigation strictly in accordance with law.*

7. *Be that as it may, one month's time is given to the Investigating Officer to file a counter affidavit/ personal affidavit to apprise the status and stage of the investigation properly, failing which the Investigating Officer concerned shall appear in person on the next date.*

8. *List this case on 13.11.2025 within top ten cases.*

9. *The Investigating Officer concerned may approach the Director, Forensic Science Laboratory, Mahanagar, Lucknow to get the FSL report at the earliest.*

10. *Liberty is given to the learned counsel for the petitioner to make mention this case on the next date for taking up out of turn."*

6. Thereafter, when the matter was taken up on 13.11.2025, the Court had pass a detailed order which for the sake of convenience is reproduced below:-

"1. Heard.

2. In pursuance to the order of this Court dated 10.10.2025, the personal affidavit of the Investigating Officer has been filed.

3. It is contended that the specimen signature had been sent to FSL but the FSL has indicated that the original documents should be sent which have now been sent on 10.11.2025.

4. It is contended that as soon as the report from FSL is received appropriate action would be taken.

5. From a perusal of the record, it is apparent that the FIR is dated 07.06.2024 and as per the averments made in paragraph 5 of the personal affidavit, the specimen signature has only been sent on 12.08.2025 i.e. after a period of more than one year.

6. Let a personal affidavit of Superintendent of Police, Sitapur be filed within a period of four weeks indicating about the report of the FSL as well as indicating as to why it took the authorities more than one year to send the specimen signature to FSL considering the FIR having been lodged on 07.06.2024 and the specimen signature has been sent to FSL on 12.08.2025.

7. List this case on 17.12.2025.

8. In case the personal affidavit is not filed then the Superintendent of Police, Sitapur shall appear in person."

7. From perusal of the aforesaid order, it emerges that despite the FIR having been lodged on 07.06.2024, the respondents had not proceeded further with the matter which thus constrained the petitioner to file the instant petition.

8. Learned A.G.A. states that considering the offence under Section 467 IPC which has been indicated against the accused, his signatures were to be verified. He further states on the basis of averments contained in para 6 of the personal affidavit that initially an application had been moved before the concerned court for being given an original copy of the

vakalatnama but the said application was rejected. Thereafter again an application was filed and the original copy of the vakalatnama has been received on 29.11.2025. Subsequent thereto, it was sent to the F.S.L. for examination but certain other documents were required by the F.S.L., which were finally sent on 11.12.2025.

10. Learned A.G.A. further states that as soon as F.S.L. report comes the investigation would be proceeded and an endeavor would be made to conclude the investigation within the time as specified under the B.N.S.S., 2023.

Aforesaid statement is recorded.

11. The writ petition stands *disposed of*.

(Mrs. Babita Rani,J.) (Abdul Moin,J.)

December 17, 2025

prateek