



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP No. 1918 of 2006

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1. M.Y. Iraqui, S/o Shri S.N. Hai, aged about 67 years.
2. Mrs. Malka Iraqui, W/o M.Y. Iraqui, aged about 50 years.

Both residents of Ward No.18, Civil Lines, Manendragarh, District Korea (CG)

---- Petitioners

Versus

1. State Of Chhattisgarh, through Secretary, Department of Home (Police), Mantralaya, Dau Kalayan Singh Bhawan, Raipur (CG)
2. Director General of Police Chhattisgarh, Raipur.
3. Inspector General of Police Surguja-Ambikapur, District Surguja (Chhattisgarh)
4. Deputy Inspector of General Crime Investigation Department Raipur (Chhattisgarh)

---- Respondents

For Petitioners : Shri Ashish Shrivastava, Advocate with Shri Afroz Khan, Advocate.
For Respondents : Shri Vivek Sharma, Government Advocate

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

28/11/2016

1. The petitioners are the unfortunate parents of M. Zunaid Iraqui, whose dead body was found on 4.3.2004 from near a picnic spot besides Hasdeo river. Main grievance of the petitioner is that though their son has been murdered but a proper investigation was not done by the police. According to the petitioners, their son was the General Secretary of the National Students Union of Chhattisgarh unit and a social activist as well. He was raising voice against several anti-social activities operating in the



area and therefore the possibility of involvement of some influential person in commission of murder of their son cannot be ruled out. It is further case of the petitioners that pursuant to the direction issued by this Court, though the matter has been investigated by the superior officer of the police but no effective development appears to have been achieved and it is the lethargic approach of the investigating officer which facilitated the culprits to move freely. In these circumstances, the petitioners have prayed for issuance of a writ of mandamus directing the police authorities to conduct a fair investigation and to handover the matter to the Central Bureau of Investigation (CBI) for further investigation.

2. Pursuant to the directions issued by this Court on different dates, the progress report has been submitted by the State and according to which, the investigation has been done in a best possible manner by the officer of the rank of Assistant Inspector General of Police, as directed by this Court. In the course of investigation, number of persons have been interrogated but nothing has come on record suggesting to involvement of any person and therefore closure report has been filed by the police which was accepted by the Court concerned on 16.3.2015.
3. Counsel appearing on behalf of the State submits that it is not the case where the prosecution is favoring someone but unfortunately the prosecution could not get the real culprits despite all possible efforts and for the satisfaction of the petitioners only any innocent cannot be taken into custody unless there are some material against him showing his involvement. He further submits that if the petitioners are not satisfied with the filing of closure report by the police, they are at liberty to avail the alternative remedies available to them under the law.
4. In view of above, counsel for the petitioners submits that the petitioners

may be permitted to withdraw this petition with liberty to take appropriate steps including filing of complaint before the appropriate forum as provided in the judgment of Sakri Basu vs. State of UP & ors reported in (2008) 2 SCC 409.

5. Accordingly, the petition is dismissed as withdrawn reserving liberty to the petitioners, as prayed for.

Sd/-
Pritinker Diwakar
Judge