Court No. - 6

Case :- WRIT - A No. - 11639 of 2024

Petitioner :- Rafat Murtuja (Inspector) Pno. 960470266
Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Home Govt. Lko. And 4 Others
Counsel for Petitioner :- P.K. Singh Bisen
Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur,J.

1. Heard Sri Pradeep Kumar Singh Bisen, learned counsel for petitioner as well as learned Standing Counsel for respondents.

2. By means of present writ petition, the petitioner has challenged the order dated 17.10.2024 wherein the petitioner who is posted as Inspector in Crime Branch was given the task of investigating the Case Crime No. 294 of 2024 under Sections 419, 420, 467, 468, 471, 506 of I.P.C. and 66-D of Information Technology Act, 2008.

3. The allegation against the petitioner is that without getting the DFR which is the report of the inquiry proceedings, he filed the charge-sheet in the court of competent jurisdiction. It is stated that the said act of the petitioner is in violation of Rule 17(1) Ka of U.P. Police Officers of the Subordinate Rank (Punishment and Appeal) Rules, 1991 .

4. It has been submitted by learned counsel for petitioner firstly that the charge-sheet was filed after seeking approval of the competent authority and he has placed certain documents with initials of some individuals from which it cannot be verified as to which authority has signed and as to whether whose signatures would amount to approval. It is further noticed when the charge-sheet was filed in the court of Special Chief Judicial Magistrate (Custom), Lucknow, it has been stated that the charge-sheet seems to be only with regard to investigation conducted under Section 420, 506, 120 IPC as well as Section 66-D of I.T. Act while with regard to allegations against the other accused under Section 120 IPC along with Section 419, 420, 468, 471 IPC the investigation is still underway and in the aforesaid circumstances notice was given to the Inquiry Officer to submit his reply.

5. On the next date when the case was taken up, it was further noticed that there is no mention as to against which offence

section 120B of IPC has been alleged and therefore there were severe discrepancies in the investigation and a reply has been sought from the Inquiry Officer. The respondents on coming to know about the manner of conduct of investigation by the petitioner has placed him under suspension in contemplation of the disciplinary proceedings. Several grounds have been raised by the petitioner alleging the illegality in passing of the impugned order but considering the material placed by the petitioner on record as discussed above, this Court finds that there were sufficient materials for the respondents to have initiated disciplinary proceedings against the petitioner. Filing of the charge-sheet in the court of competent jurisdiction without following the mandatory provisions is clearly a misconduct and if proved a delinquent government servant can be punished for the same.

7. Accordingly, without commenting on the material placed by the petitioner on record trying to prove his innocence, this Court is of the considered view that there were sufficient material for passing of the impugned order and this Court does not find any infirmity in the same. Accordingly, the writ petition being bereft of merits and is hereby **dismissed**.

(Alok Mathur, J.)

Order Date :- 5.12.2024
Ravi/

Digitally signed by :-
RAVI SHANKAR SRIVASTAV
High Court of Judicature at Allahabad,
Lucknow Bench