

**Court No. - 9**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 5526 of 2024

**Petitioner :-** Smt. Geeta Devi

**Respondent :-** State Of U.P Thru. Addil. Chief Secy. Deptt. Home Govt. Lko. And Others

**Counsel for Petitioner :-** Alok Yadav

**Counsel for Respondent :-** G.A.

**Hon'ble Vivek Chaudhary,J.**

**Hon'ble Narendra Kumar Johari,J.**

Shri Alok Yadav, learned counsel for the petitioner and learned A.G.A. for the State/respondents are present.

This writ petition has been filed by the petitioner with the following main prayer :-

*"(I) issue a writ, order or direction in the nature of MANDAMUS commanding and directing to the opposite parties to ensure lodging the first information report of the petitioner regarding the incident took place on 12-04-2024 at the premises of Police Station - Mchhrehata, District - Sitapur, by which the husband of the petitioner found dead in the premises of the Police Station - Mchhehata, District - Sitapur, during the services period, in the interest of justice."*

It has been submitted by learned counsel for the petitioner that the husband of the petitioner was posted as Sub Inspector at Police Station - Machhrehata, District - Sitapur. He was devoted for his duty and has received appreciation certificates twice for the better performance. The Incharge/S.H.O., Police Station Machhrehata and some other police persons are dishonest persons. The S.H.O. of the Police Station Machhrehata wanted bribe/money from her husband in each and every assigned investigation and arrest, etc. Her husband was not happy with the behaviour of the S.H.O. and on 12.04.2024, he had given a message to his son through Whatsapp, mentioning the demand of illegal money as well as harassment by the S.H.O., Police Station Machhrehata. Thereafter, on 12.04.2024 itself some hot talk took place between the husband of the petitioner and the S.H.O., consequently her husband was murdered by fire from his service revolver. After the death of husband of the petitioner, the Superintendent of Police, Sitapur released a press note on 12.04.2024 that Sub Inspector Manoj Kumar had shot himself

in the premises of the Police Station Machhrehata, whereas the deceased had received firearm injury at the left side of his chest/heart. Most of the internal organs were found intact. In the post mortem report the internal organs have been noted as "NAD", as such, it is not possible in the case of suicide. Learned counsel for the petitioner further submitted that the police without informing the family members of the deceased conducted his inquest and sent the dead body for post mortem.

Learned counsel for the petitioner also submitted that a Committee under the Chairmanship of the Additional Superintendent of Police (South), Sitapur was formed for the inquiry of the above occurrence but the inquiry has not been finalized yet. The petitioner had submitted representation to the Superintendent of Police, Sitapur on 29.04.2024 for registration of the F.I.R. of the occurrence but no F.I.R. has been lodged up till now. Even the CCTV Footage of the CCTV cameras which have been installed and are working continuously 24X7 in the Police Station has not been procured.

We have heard the arguments of learned counsel for the petitioner, learned A.G.A. and perused the record.

The case was listed on 02.08.2024 but due to the absence of the counsel for the petitioner, it was adjourned. Today when the case has been called out, the court heard the submissions of learned counsel for the petitioner and inquired to learned A.G.A. about the progress of the inquiry which is being conducted by the higher police officials. Learned A.G.A., despite proper notice and sufficient opportunity, could not show any active progress in the proceedings of inquiry, which was being conducted by the higher police officials.

The matter pertains to alleged murder of a honest police officer. A serious allegation of corruption has been leveled on a responsible officer of the S.H.O. rank, who is supposed to be an honest and caring officer for the police persons working under him. It has also been doubted that the murder of deceased has been caused by the police persons. It has been mentioned in the representation to Superintendent of Police, Sitapur that the death of the deceased has occurred in the doubtful circumstances, hence it was necessary for the concerned police officers to lodge the F.I.R. and investigate the matter properly.

More than 03 months have been passed, but neither the inquiry regarding the case of death of the petitioner's husband has reached to any logical conclusion, nor the matter has been investigated by lodging the F.I.R. against the alleged police persons. The matter pertains to unnatural death of a police

officer. It has been argued that higher police officials are trying to linger and only pass time in the probe of the case. In support of his argument, learned counsel for the petitioner has cited the case law **Lalita Kumari vs. Government of U.P. and others; (2014) 2 SCC 1.**

In view of the above, the writ petition is **disposed of** with a direction to the Inspector General of Police concerned to ensure compliance of the judgment passed by Hon'ble Supreme Court in the case of **Lalita Kumari Vs. Government of U.P. and others; (2014) 2 SCC 1**, with regard to lodging of F.I.R. Further, in that case he will also ensure that the investigation of the case be carried out by a senior I.P.S. Officer of any other district.

In case of any further grievance, petitioner shall have liberty to approach this Court again.

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**(Narendra Kumar Johari,J.) (Vivek Chaudhary,J.)**

**Order Date :- 6.8.2024**

ML/-