HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

CRIMINAL MISC. WRIT PETITION No. - 10849 of 2026

Deepak Kumar

.....Petitioner(s)

Versus

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

.....Respondent(s)

Counsel for Petitioner(s)	:	Shesh Ram Verma
Counsel for Respondent(s)	:	G.A.

Court No. - 11

HON'BLE ABDUL MOIN, J.
HON'BLE PRAMOD KUMAR SRIVASTAVA, J.

1. Heard learned counsel for the petitioner and learned Additional Government Advocate for the State-respondents no. 1 to 4.

2. No notice is being issued to the private respondents at this stage.

3. By means of this petition, the petitioner has prayed for the following main relief:

> "(i) Issue a Writ, Order, or Direction in the nature of Mandamus commanding and directing the State respondents to immediately transfer the investigation of FIR No. 309 of 2024, originally registered under Sections 103 and 351(3) of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Sections 3(2)(v) and 3(2)(va) of the SC/ST (Prevention of Atrocities) Act at Police Station Jaisinghpur, District Sultanpur, away from the local police/Circle Officer Jaisinghpur, and entrust the same to an independent specialized investigative agency, preferably the Crime Branch-Crime Investigation Department (CB-CID) or a Court-Monitored Special Investigation Team (SIT), to fair, transparent, and impartial further investigation within a strict time-bound window, in the interest of justice."

4. Contention of learned counsel for the petitioner is that despite an FIR No.309 dated 24.11.2024 having been lodged at Police Station Jaisinghpur, District Sultanpur, under Sections 103(3), 351(3) and 3(5) of the BNS, 2023 and Sections 3(2)(v) of the SC/ST Act, 1989,

the respondent-authorities have failed to hold a fair and impartial investigation in the matter and, hence, the petition to transfer the investigation to an independent specialized agency.

5. Elaborating the same, learned counsel for the petitioner contends that initially, a chargesheet dated 21.04.2025 was submitted before the concerned court, subsequent to the investigation which has been carried out by the authorities. The concerned court i.e. the Additional Civil Judge(Junior Division)/Additional Chief Judicial Magistrate, Sultanpur vide order dated 21.02.2026, a copy of which is Annexure-8 to the petition, was of the view that the investigation carried out does not appear to be proper and, consequently, has directed for further investigation from the concerned Circle Officer or any other Circle Officer.

6. It is contended that subsequent thereto, the matter is hanging fire and the respondent-authorities have failed to submit a report before the concerned court.

7. Responding, the learned AGA states on the basis of Instructions sent by Sri Prem Narayan Rajput, SI, Thana Jaisinghpur, Distrit Sultanpur dated 31.10.2026 that admittedly, a chargesheet dated 21.04.2025 had been submitted. However considering the order passed by the learned court dated 21.02.2026, the matter is being further investigated. Learned AGA further states that as of date the matter is still under investigation.

8. From perusal of record it emerges that the FIR itself is dated 24.11.2024 which has been lodged for serious offences.

9. The chargesheet dated 21.04.2025 that had been submitted by the authorities did not find favour with the concerned court, inasmuch as the learned court was of the view that, prima facie, the investigation done by the authorities is unbelievable and unnatural and hence the learned court has directed for further investigation.

10. The order of the concerned court is dated 21.02.2026 and a period of more than eight months have elapsed and the authorities have failed to conclude the investigation.

11. The court is repeatedly seized of such matters wherein the

complainants are approaching the Courts praying for effective and impartial investigation into the FIRs which have been lodged and in which the investigation has been continuing for months on end, if not years, and the final investigation does not see the light of the day.

12. In this regard, it would be apt to consider Section 193 of the BNSS, 2023 which deals with the report of police officer on completion of investigation.

13. For sake of convenience, Section 193 of the BNSS, 2023 is reproduced below:

> **"193. Report of police officer on completion of investigation.**
> (1) Every investigation under this Chapter shall be completed without unnecessary delay.
> (2) The investigation in relation to an offence under sections 64, 65, 66, 67, 68, 70, 71 of the Bharatiya Nyaya Sanhita, 2023 or under sections 4, 6, 8 or section 10 of the Protection of Children from Sexual Offences Act, 2012 shall be completed within two months from the date on which the information was recorded by the officer in charge of the police station.
> (3) (i) As soon as the investigation is completed, the officer in charge of the police station shall forward, including through electronic communication to a Magistrate empowered to take cognizance of the offence on a police report, a report in the form as the State Government may, by rules provide, stating-
> (a) the names of the parties;
> (b) the nature of the information;
> (c) the names of the persons who appear to be acquainted with the circumstances of the case;
> (d) whether any offence appears to have been committed and, if so, by whom;(e) whether the accused has been arrested;
> (f) whether the accused has been released on his bond or bail bond;
> (g) whether the accused has been forwarded in custody under section 190;
> (h) whether the report of medical examination of the woman has been attached where investigation relates to an offence under sections 64, 65, 66, 67, 68, 70 or section 71 of the Bharatiya Nyaya Sanhita, 2023;
> (i) the sequence of custody in case of electronic device;
> (ii) the police officer shall, within a period of ninety days, inform the

progress of the investigation by any means including through electronic communication to the informant or the victim;

(iii) the officer shall also communicate, in such manner as the State Government may, by rules, provide, the action taken by him, to the person, if any, by whom the information relating to the commission of the offence was first given.

(4) Where a superior officer of police has been appointed under section 177, the report shall, in any case in which the State Government by general or special order so directs, be submitted through that officer, and he may, pending the orders of the Magistrate, direct the officer in charge of the police station to make further investigation.

(5) Whenever it appears from a report forwarded under this section that the accused has been released on his bond or bail bond, the Magistrate shall make such order for the discharge of such bond or bail bond or otherwise as he thinks fit.

(6) When such report is in respect of a case to which section 190 applies, the police officer shall forward to the Magistrate along with the report-

(a) all documents or relevant extracts thereof on which the prosecution proposes to rely other than those already sent to the Magistrate during investigation;

(b) the statements recorded under section 180 of all the persons whom the prosecution proposes to examine as its witnesses.

(7) If the police officer is of opinion that any part of any such statement is not relevant to the subject matter of the proceedings or that its disclosure to the accused is not essential in the interests of justice and is inexpedient in the public interest, he shall indicate that part of the statement and append a note requesting the Magistrate to exclude that part from the copies to be granted to the accused and stating his reasons for making such request.

(8) Subject to the provisions contained in sub-section (7), the police officer investigating the case shall also submit such number of copies of the police report along with other documents duly indexed to the Magistrate for supply to the accused as required under section 230:

Provided that supply of report and other documents by electronic communication shall be considered as duly served.

(9) Nothing in this section shall be deemed to preclude further investigation in respect of an offence after a report under sub-section (3) has been forwarded to the Magistrate and, where upon such investigation, the officer in charge of the police station obtains

> further evidence, oral or documentary, he shall forward to the Magistrate a further report or reports regarding such evidence in the form as the State Government may, by rules, provide; and the provisions of sub-sections (3) to (8) shall, as far as may be, apply in relation to such report or reports as they apply in relation to a report forwarded under sub-section (3):
>
> Provided that further investigation during the trial may be conducted with the permission of the Court trying the case and the same shall be completed within a period of ninety days which may be extended with the permission of the Court."

14. From perusal of Section 193 of the BNSS, 2023, it emerges that with regard to an investigation in relation to an offence under Sections 64 to 68 and 70 & 71 of the BNS, 2023 or under Sections 4, 6, 8, or Section 10 of the POCSO Act, the said investigation has to be completed within two months from the date on which the information was recorded by the officer in charge of the police station.

15. With regard to the other investigations, no time frame has been fixed but Sub-section (1) of Section 193 of the BNSS, 2023 indicates that every investigation under this Chapter shall be completed without unnecessary delay.

16. From the aforesaid, it, thus, emerges that the endeavour of the legislature is for ensuring that there is no delay in completion of an investigation which is being conducted under Chapter 13 of the BNSS, 2023.

17. Further, Section 193(3)(h)(ii) of the BNSS, 2023 indicates that the police officer shall, within a period of 90 days, inform the progress of the investigation by any means including through electronic communication to the informant or the victim.

18. Likewise, Section 193(3)(h)(iii) of the BNSS, 2023 indicates that the officer shall also communicate, in such manner as the State Government may, by rules, provide, the action taken by him, to the person, if any, by whom the information relating to the commission of the offence was first given.

19. Perusal of the aforesaid provisions, thus, indicate that a complainant/informant is to be kept in the loop with regard to the

investigation which is being done by the Investigating Officer, so much so that within a period of 90 days, the progress of the investigation is to be informed, including the action which has been taken by the Investigating Officer on the information relating to the commission of the offence.

20. Rule 19 of the Uttar Pradesh Bharatiya Nagarik Suraksha Rules, 2024 pertains to informing the plaintiff or the victim about the progress of the investigation which primarily reproduces the aforesaid provision of Section 193 of the BNSS, 2023. A perusal of the same indicates that the progress of the investigation is to be sent through SMS, email or such other electronic means as appropriate or by post, meaning thereby that the information which is required to be sent under the aforesaid provision of Section 193 of the BNSS, 2023 is to be sent to the complainant or the victim through SMS, email, other electronic means or by post.

21. It is not clear as to whether any information, in fact, has been sent to the complainant/petitioner with regard to the investigation which is being done in the matter, more particularly when the concerned court also did not indicate its satisfaction about the chargesheet dated 21.04.2025 which had been submitted by the authorities. Despite the learned court having directed for further investigation in February, 2026 vide order 21.02.2026 and a period of more than eight months having elapsed, the matter is still hanging fire and the report is still to see the light of the day.

22. No doubt, the legislature in its wisdom did not provide a time frame in which an investigation is to be completed, but then Sub-section (1) of Section 193 of the BNSS, 2023 categorically provides of an investigation to be completed **without unnecessary delay**, meaning thereby that the intention of the legislature was that the investigation should not keep hanging fire and the complainant made to run from pillar to post without any information also being given to him with regard to the progress of the investigation which is being conducted by the Investigating Officer.

23. In the instant case, the matter is indeed peculiar, inasmuch as no trust has been placed on the chargesheet which has been submitted

by the authorities dated 21.04.2025 and despite the learned concerned court having observed about the same, and the investigation being found to be unnatural and unbelievable, the matter is still hanging fire.

24. Considering the aforesaid, it is, thus, apparent that there is total lethargy and inaction on the part of the Investigating Officers in completing the investigation subsequent to lodging of FIRs. The problem is not only confined to one district rather it appears to be prevailing throughout the State of U.P. However, this may not be taken as if we have given final opinion with regard to the malady.

25. Considering the various matters which are coming to the Court and which repeatedly pertain to the long delay in investigation, it is high time that the higher authorities should step in and frame modalities pertaining to the time frame in which an endeavour should be made to complete the investigation, including punitive action to be taken against the Investigating Officers who do not complete the investigation within a specified time.

26. However, before proceeding further with the matter, it would be expedient that the Additional Chief Secretary (Home) files his personal affidavit indicating as to how the issue is to be addressed pertaining to either fixing of a time frame with regard to completion of an investigation, if possible, and if not, as to how this malady of investigation being kept hanging fire for years on end is to be remedied.

27. The personal affidavit would also indicate the number of cases in which information has been sent to the complainant/victim, as categorically provided under Section 193(1)(h)(ii) of the BNSS, 2023.

28. Considering that there are large number of cases pending in this regard, as such the information, at this stage, would only pertain to the information that has been sent pertaining to the FIRs which have been lodged in District Sultanpur. Let the affidavit be filed within three weeks.

29. List this case on 08.12.2026.

30. In case the personal affidavit is not filed, the Additional Chief

Secretary (Home) shall appear in person alongwith the records to assist the Court.

November 3, 2026
kkv/

(Pramod Kumar Srivastava,J.) (Abdul Moin,J.)

Digitally signed by :-
KRISHAN KUMAR
High Court of Judicature at Allahabad,
Lucknow Bench