HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

CRIMINAL MISC. WRIT PETITION No. - 11138 of 2026

Dr. Mohammad Raqeeb Khan And Another

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. U.P. Home Deptt. Lko. And Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Mohd. Tabrez Iqbal, Mohammad Faizan, Mohd. Parvez Iqbal
Counsel for Respondent(s)	:	G.A.

Court No. - 11

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

1. Instructions passed on by the learned AGA are taken on record.

2. Heard learned counsel for the petitioners and learned Additional Government Advocate for the State-respondents no. 1, 2 and 3.

3. Issue notice to the respondent no. 4. Steps be taken within a week.

4. Under challenge is the FIR No. 498 dated 17.10.2026 lodged at Police Station Bhinga, District Shrawasti, under Sections 105, 352 and 351(2) of the BNS, 2023.

5. From the allegations as levelled in the impugned FIR, it emerges that the complainant's daughter, who was working in the pathology lab of the petitioner no. 1 on the fateful day i.e. on 07.05.2026, had gone to work as usual when she collapsed in the laboratory and despite having been taken to the hospital, she died. Post-mortem was conducted and thereafter the body was cremated. Upon the complainant having approached the petitioner no. 1 to know the circumstances in which his daughter has died, the petitioner no. 1 is sought to have misbehaved with the complainant and had refused to even share the CCTV footage of the laboratory and, thus, suspicion arose with the complainant that the death of his daughter was suspicious and, hence, the FIR has been lodged.

6. The argument of learned counsel for the petitioners is that the aforesaid allegations, as levelled in the impugned FIR, are patently false and that the petitioners had no role in the death of the daughter of the complainant.

7. Placing reliance on the post-mortem report, a copy of which has been filed as Annexure-4 to the petition, the contention is that the said report also does not indicate any injuries on the corpus of the complainant's daughter, although the viscera had been preserved.

8. Further placing reliance on an affidavit which has been given by the complainant, a copy of which is Annexure-9 to the petition, the learned counsel for the petitioners argued that the complainant has himself indicated in the affidavit, more particularly in Paragraph-7 that the death of his daughter was natural and for her death nobody is responsible.

9. On the other hand, learned AGA states that the investigation is still under process and further the sample has been sent to the FSL for a report on 18th November, 2026. Learned AGA further states that as and when the viscera report is received, the authorities would proceed further.

10. Having heard the learned counsel for the parties and perused the record, it emerges that the impugned FIR has been lodged on 17.10.2026 contending that the complainant's daughter died in unnatural circumstances in the pathology lab of the petitioner no. 1 on 07.05.2026. The post-mortem had been conducted way back on 08.05.2026 and perusal of the same indicates that no injuries were found on the corpus of the complainant's daughter, although the viscera had been preserved.

11. The matter is still under investigation. However, during the course of investigation, the complainant is said to have given an affidavit, per which he has indicated that his daughter died on account of natural circumstances and that nobody is responsible for her death.

12. Though, at this stage, prima facie the said affidavit may be of no use to the petitioners but one peculiar fact stands out.

13. Despite the post-mortem having been conducted on 08.05.2026,

the sample has only been sent for the Forensic Science Laboratory report on 18.11.2026 i.e. after filing of the instant petition on 05.11.2026, as stated by the learned AGA.

14. Learned AGA states that it is not known as to why it took such a long period of time to send the sample to the FSL laboratory.

15. Further placing reliance on the instructions/letter sent by Professor (Dr.) Adarsh Kumar, Director of the Forensic Science Laboratory, Lucknow, dated 18.11.2026, learned learned AGA has tried to explain the delay at large in processing the forensic reports by the FSL labs by contending that there are 18 units in the State which are processing 800 cases every month. Learned AGA further states that the process for recruitment of requisite staff has been initiated. He further states that approximately 19,500 cases are still pending for the reports and approximately 12,000 cases are being received every year for processing of the said reports. He states that 21 units would be required to be set up in order to somehow process the reports yet the pendency would remain as it stands today.

16. It is not that the general public has got any role in establishment of the FSL laboratories. It is for the State Government to have the same established and to ensure that the reports are processed in a timely manner. In case the State Government has sat all along, twiddling its thumbs and has not done anything in the matter for establishment of the FSL laboratories, consequently, it cannot be said that the general public or the legal heirs of the victims whose reports are to be processed should suffer in any manner. This, prima facie, indicates gross dereliction on the part of the officials who are responsible for establishment of the FSL laboratories in a timely manner in order to ensure that the reports are processed.

17. The matter is serious. We, thus, require the Additional Chief Secretary (Home) to file his personal affidavit indicating:

(a) as to why despite the huge pendency of the reports before various FSL laboratories in the State, the laboratories have not been set up in a timely manner to ensure that the reports are processed expeditiously.

(b) as to what steps are being taken to ensure setting up of laboratories timely.

(c) who are the officials who have been responsible for sitting over the matter and for not having established the laboratories as and when they were required in order to process the reports in a timely manner and in order to ensure that no backlog of the reports is there.

18. Let the personal affidavit be filed within three weeks.

19. List this case before appropriate Court on 15.12.2026.

20. In case the personal affidavit is not filed, the Additional Chief Secretary (Home) shall appear in person alongwith the records to assist the Court.

21. Further considering that the affidavit has been given by the complainant, it is provided that till the next date of listing no coercive action shall be taken against the petitioners in pursuance of the impugned FIR.

November 19, 2026
kkv/

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

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