

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE VIVEK AGARWAL

ON THE 14th OF MARCH, 2024

WRIT PETITION No. 5871 of 2023

BETWEEN:-

**VIJAY KUMAR PUNJ S/O SHRI VED PRAKASH PUNJ,
AGED ABOUT 60 YEARS, OCCUPATION: DEPUTY
SUPERINTENDENT OF POLICE CRIME INVESTIGATION
DEPARTMENT POLICE HEADQUARTER BHOPAL
DISTRICT BHOPAL (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI MANOJ KUMAR CHANSORIYA - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH THROUGH
THE PRINCIPAL SECRETARY DEPARTMENT OF
HOME AFFAIRS VALLABH BHAWAN BHOPAL
(MADHYA PRADESH)**
- 2. THE DIRECTOR GENERAL OF POLICE MADHYA
PRADESH POLICE HEADQUARTERS, BHOPAL,
DISTRICT BHOPAL (MADHYA PRADESH)**
- 3. THE ADDITIONAL DIRECTOR GENERAL OF
POLICE (ADMINISTRATION) POLICE
HEADQUARTERS, BHOPAL DISTRICT BHOPAL
(MADHYA PRADESH)**
- 4. SPECIAL DIRECTOR GENERAL OF POLICE, CRIME
INVESTIGATION DEPARTMENT POLICE
HEADQUARTERS, BHOPAL (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI MANAS MANI VERMA - GOVERNMENT ADVOCATE)

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*This petition coming on for admission this day, the court passed the
following:*

ORDER

Petitioner's contention is that his case is squarely covered with the decision of High Court of Allahabad Judicature at Allahabad decided on 9/09/2022 in W.A. No. 7917/2022 Umesh Pratap Singh Vs. State of U.P. and five others wherein the Hon'ble Allahabad High Court has held that merely because petitioner was working in furtherance of his duty, then initiation of a false criminal case at the behest of the goons cannot result in keeping the recommendations of the D.P.C. in the sealed cover.

Facts of that case in brief are that petitioner Umesh Pratap Singh was working on the post of Sub Inspector in the Civil Police Department on 17/09/1990. He was posted at Jaunpur. An F.I.R. was lodged by one Chedilal against three persons namely Jagannath Choudhary, Asha Devi and mother of Asha Devi namely Babana Devi which was registered as Case Crime No. 172/99 under Sections 302, 201 and 506 of I.P.C. at Police Station Jaunpur.

In this case, petitioner was not named. Ultimately, a chargesheet was submitted in the year 1999 in which petitioner was also chargesheeted under Sections 217, 218, 201 and 120-B of I.P.C.

Petitioner had filed the Miscellaneous Application No. 6323/2023 under Section 482 of the Cr.P.C. in which the High Court was pleased to stay further proceedings which continued upto year 2020.

It has come on record in that case that during the pendency of the said criminal proceedings, petitioner was given out of turn promotion on 14/09/2006 on the post of Inspector and, then a Departmental Promotion Committee meeting was convened on 1/01/2018 for promotion on the post of Deputy Superintendent of Police in which petitioner's case was also considered but due to pendency of the criminal proceedings, his name was kept in a sealed cover envelop and juniors to the petitioner were promoted.

In this backdrop and taking the facts into consideration and also the judgment of the Allahabad High Court in case of **Neeraj Kumar Pandey Vs. State of U.P. and five others (Writ-A No. 8151/2022)** under similar facts of the case where petitioner's case was kept in a sealed cover envelop both after considering the Government orders dated 28/05/1997 and 9/01/2018 directed to open the same to grant promotion.

In the present case, facts are that petitioner was a member of the party which was deputed to nab certain miscreants. At that time, he was posted as Sub Inspector at Police Station Habibganj where Case Crime No. 237/1996 and Case Crime No. 238/1996 were registered under Sections 379 and 212 of I.P.C.

Petitioner as a part of the search team had visited Police Station Jiyampur to trace the accused in the said crime numbers when Case No. 300/96 under Sections 364 and 342 of I.P.C. was registered against the petitioner at the behest of a dreaded anti social element of U.P. namely Kamaluddin.

It is evident that petitioner was promoted as Inspector after registration of the said criminal case and now hindrance is being caused and his case is being kept in a closed cover only on account of pendency of the said criminal case in the court at Uttar Pradesh which is pending since 1996.

When the ratio of the judgment of Allahabad High Court in **Umesh Pratap Singh** (supra) is taken into consideration, then it is evident that the Government is not justified in keeping the case of the petitioner under a sealed cover on account of pendency of a criminal case which is pending for about 28 years before the competent court in Uttar Pradesh but is required to open the sealed cover and act upon the recommendations of the D.P.C. which will be subject to outcome of the criminal case.

With the aforesaid stipulation, it is directed that sealed cover be opened and if petitioner is found fit for promotion as per the recommendations of the D.P.C., the said recommendations be acted upon with a condition that the promotion if so granted will be subject to outcome of that criminal case.

Let this exercise be completed within sixty days from the date of communication of this order.

In above terms, the petition is allowed and disposed of.

(VIVEK AGARWAL)
JUDGE

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