

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 2114 of 2024

Petitioner :- Pushkal Yadav

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

Counsel for Petitioner :- Prashant Singh Gaur, Sankalp Agarwal, Vikrant Singh

Counsel for Respondent :- G.A., Subhash Chandra Pandey

Hon'ble Rajan Roy, J.

Hon'ble Narendra Kumar Johari, J.

Petitioner should implead Joint Commissioner of Police (Law & Order), Police Commissionerate, Lucknow as an opposite party during course of the day.

Heard learned counsel for the petitioner, Mr. D.S. Rana, learned AGA for the State Authorities and Mr. Subhash Chandra Pandey, learned counsel for opposite party no. 7.

The allegations in the writ petition are serious. It is alleged that 50-60 persons dressed in Advocate's uniform came and usurped the property of petitioner.

Let the Joint Commissioner of Police (Law & Order), Police Commissionerate, Lucknow who is heading the Committee constituted by the Commissioner of Police, Lucknow in the Advocates matter conduct an extensive inquiry and submit his report in sealed cover to this Court.

Based on the result of the inquiry, it shall be open for the police to take such action as may be permissible and required in law without waiting for any order by this Court, meaning thereby, pendency of this petition shall not be made a ground for taking any action against the persons, if any, offence has been committed. While taking action the relief prayed herein shall also be kept in mind.

The role of local police shall also be inquired in the context of the allegations made as to how if any such offence has been committed it was possible such a huge crowd reached the scene, assuming this is correct at this stage.

Affidavit shall be filed by the official opposite parties no. 4, 5 and 13.

The Commissioner of Police, Lucknow shall oversee the inquiry and ensure that it is held in a fair and proper manner.

We make it clear that we have not expressed any opinion on the

merits of the allegations by the petitioner which are open for inquiry. It is open for the said Committee to see as to whether there is a genuine civil dispute or some offence has been committed in the light of earlier orders passed in a bunch of writ petitions leading case being Criminal Misc. Writ Petition No. 8810 of 2023 keeping the scope/reference of such Committee in mind.

The matter shall now come up before the Court on 08.04.2024, as fresh.

Senior Registrar of this Court shall communicate this order to the Commissioner of Police, Lucknow, so will Mr. D.S. Rana, learned AGA for compliance.

Copy of the order be provided within twenty four hours on payment of usual charges.

[Narendra Kumar Johari, J.] [Rajan Roy, J.]

Order Date :- 22.3.2024

Santosh/-