



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. WRIT PETITION No. - 1761 of 2025

Gayatri Devi

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko. And 11
Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Sanjay Kumar Singh
Counsel for Respondent(s)	:	G.A.

Court No. - 11

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

1. In pursuance of the earlier order of this Court dated 29.04.2026, a personal affidavit of the Additional Chief Secretary (Home), Government of U.P., filed today is taken on record.

2. Heard learned counsel for the petitioner and Smt. Parul Kant, learned A.G.A. appearing on behalf of the respondents-State.

Sri Amit Kumar Aanand, Deputy Commissioner of Police (South), Lucknow is also present.

3. The reasons as to why the Court had required the personal affidavit of the Additional Chief Secretary (Home), Government of U.P. are contained in the detailed order dated 29.04.2026, as passed by this Court. For the sake of convenience the order dated 29.04.2026 is reproduced below:

“1. In pursuance of the earlier order of this Court dated 13.04.2026, personal affidavit of the Additional Chief Secretary (Home), Government of U.P. filed today is taken on record.

2. Heard the petitioner who appears in person and learned A.G.A. appearing on behalf of respondents No. 1 to 3.

3. The facts of the case have already been noted in detail in the order dated 13.04.2026. For the sake of convenience, the order

dated 13.04.2026 is reproduced here under:

“Heard the petitioner who appears in person and learned AGA for the State.

Instant writ petition has been filed praying for a mandamus commanding the respondents to make fair and proper investigation in First Information Report dated 09.01.2025 registered as Case Crime No. 0014 pf 2024 under Sections 316 (2), 318 (4), 351 (3) at Police Station- PGI District Lucknow.

Contention is that despite the said First Information Report having been lodged way back on 09.01.2025, the respondents-authorities have failed to proceed in fair and impartial manner and the petitioner is running pillar to post in order to seek redressal of her grievances.

Upon filing of the instant writ petition, the Court had required the personal affidavit of the Station House Officer, Police Station- PGI, District- Lucknow, to be filed regarding the investigation made in the case. Subsequent thereto, the Investigating Officer, Police Station- PGI, District- Lucknow, was also required to be present before this Court along with the entire records. The Court has recorded, vide order dated 23.05.2025, i.e., almost a year back, that the Investigating Officer has assured that all the grievances of the petitioner will be redressed within the next three days. Despite the lapse of almost a year, the matter stands as it was at the time of filing of the petition.

However, learned AGA states that subsequent to lodging of the impugned First Information Report, two of the accused namely Sri Ravi Singh and Smt. Ritu Singh have been arrested and a charge has also been filed against them under Section 316 (5) of B.N.S, 2023.

Learned AGA further states that Sections 338, 336 (3), 61 (2) & 340 (2) of B.N.S, 2023 have been added against the other accused. Earlier a few accused had approached this Court namely Sri Sunil

*Kumar Shukla and another who filed Criminal Misc. Writ Petition No. 5012 of 2025. This Court vide order dated 05.06.2025 considering that the earlier sections as have been invoked against the said persons all carried a sentence up to seven years, had granted the benefit of **Arnesh Kumar Vs. State of Bihar and anr- (2014) 8 SCC 273** and **Satendra Kumar Antil Vs. Central Bureau of Investigation and ors- (2022) 10 SCC 51** to them.*

*However, learned AGA fairly states that, in view of the addition of other sections against the accused, they may now not be entitled for the benefit of the judgments of the Apex Court in the case of **Arnesh Kumar (supra)** and **Satender Kumar Antil (supra)**, considering that the sections now invoked against them carry a sentence of more than seven years. Learned AGA further states that efforts are being made to arrest the said persons but to no avail.*

*As already observed above, the impugned First Information Report has been lodged on 09.01.2025 and a period of more than a year has lapsed. Despite the assurance of the Investigating Officer being extended to the Court, as recorded in the order dated 23.05.2025, the grievance of the petitioner has still not been redressed and she is running from pillar to post. Even if certain accused have been granted the benefit of the judgments of the Apex Court in the cases of **Arnesh Kumar (supra)** and **Satender Kumar Antil (supra)**, but now the offences as have been invoked against them all carry a sentence of more than seven years, meaning thereby they may not be entitled for the aforesaid benefit. As such, it was in the fitness of things that the authorities should have shown some alacrity in the matter and should have taken the investigation to its logical end instead of sitting and twiddling their thumbs day in and day out which conduct of the authorities would be against their own assurance extended to the Court on 23.05.2025. This action on the part of the authorities cannot be appreciated by any Court of law.*

Considering the aforesaid, this Court requires the Additional Chief Secretary (Home) to file his personal affidavit indicating as to why such a lackadaisical attitude has been shown in the First

Information Report which has been lodged, and even though other serious sections have been invoked against the accused, as to why the authorities have been sitting and twiddling their thumbs, and despite an assurance having been extended by the Investigating Officer to this Court, as recorded in the order dated 23.05.2025, the petitioner still continues to run from pillar to post for the redressal of her grievances.

List this case on 29.04.2026.

In case the personal affidavit is not filed then the Additional Chief Secretary (Home), Government of Uttar Pradesh, Lucknow shall appear in person along with the entire records to assist the Court and also show cause as to why action should not be initiated against him and the other subordinate officials for such a lackadaisical attitude which has been shown in the said First Information Report despite the High Court monitoring the matter.”

4. In the personal affidavit which has been filed today, it has been indicated in Paragraph 4 that two of the accused persons, namely Gaurav Awasthi and Sarvesh Kumar Pandey have been arrested on 17.04.2026 and 20.04.2026 respectively. It has also been contended that of the remaining accused persons, Suneel Kumar Shukla, Vipin Shukla, Kanchan Lata @ Anjana and Satyesh Prashant are not cooperating with the investigation and the Investigating Officer is conducting endeavour for the search.

5. The lackadaisical attitude on the part of the authorities has already been detailed in our order dated 13.04.2026, wherein this Court has specially observed that despite an assurance being extended by the Investigating Officer to this Court, as recorded in the order dated 23.05.2025, the grievance of the petitioner has still not been redressed. The respondent-authorities also admit that the arrest of the four persons, as indicated above, has also not been carried out despite hectic efforts.

6. This is a case which this Court is supervising and has also observed something adverse against the authorities. Now the

highest authority of the Home Department i.e. Additional Chief Secretary has filed his personal affidavit, which again admittedly indicates the lackadaisical attitude and the helplessness on their part in tracing out the four accused, as indicated in paragraph 4(xi) of the said affidavit.

7. The helplessness on the part of the highest official of the State of Home Department i.e. Additional Chief Secretary (Home) cannot be appreciated in any manner. It is the authorities who are bound to investigate as soon as an FIR is lodged, but here strangely, as already indicated above, despite an assurance being extended to this Court on 23.05.2025, the matter stands as it stood on the said date with the exception of two arrests having been made and that too, strangely only after this Court has passed a detailed order on 13.04.2026, the arrests having been made on 17.04.2026 and 20.04.2026. This itself speaks volumes about the conduct and about the quality of the investigation on the part of the respondent-authorities !

8. We need not say/observe anything further at this stage.

9. The Court finds that the affidavit of Additional Chief Secretary (Home) to be a completely casual affidavit lacking seriousness on his part.

10. However, the Additional Chief Secretary (Home) is given another opportunity to redress himself by filing his personal affidavit indicating the further progress in the matter.

11. List this case on 20.05.2026.

12. In case personal affidavit is not filed, the Additional Chief Secretary (Home), Government of U.P. shall remain present along with records to assist the Court.”

4. The learned A.G.A. fairly states that the instructions with regard to as to which of the accused persons have been arrested, have not been indicated in the personal affidavit which has been filed today, rather the said instructions pertaining to the same have only been made available to

her today.

5. Apart from the above, we find Shri Aanand also to be present, although the order of this Court dated 29.4.2026 was categorical inasmuch as it was provided that the Additional Chief Secretary (Home), Government of U.P. was required to file his personal affidavit indicating the further progress in the matter, as detailed in the said order, and only in case the personal affidavit was not filed, then the Additional Chief Secretary (Home), Government of U.P. was required to be present.

6. Thus, the Court finds it strange that Shri Aanand is present.

7. Upon a pointed query being put to Shri Aanand as to why he is present in the court despite he not having been called for to appear, he says that he has received a letter from Shri Mahendra Singh, Special Secretary, Government of U.P. whereby Shri Mahendra Singh has directed him to appear before this Court on 20.05.2026 in order to indicate the investigation which has been made in pursuance to the FIR as aforesaid, and the action which has been taken against the authorities who have been found lackadaisical in the matter. The said letter of Shri Mahendra Singh as addressed to Shri Aanand is dated 18th May, 2026, which in turn itself indicates that Shri Mahendra Singh has been directed by some other authority to ensure the presence of Shri Aanand before this Court.

8. Upon a pointed query being put to Shri Aanand as to what work he was expected to do in his office, Shri Aanand has stated that from 10:00 A.M. till 12:00 noon he does public hearing of the persons who come to his office. He fairly states that on account of the aforesaid letter that had been sent by Shri Mahendra Singh, he could not carry out any public hearing today.

9. On perusal of the aforesaid facts, it is apparent that Shri Aanand is present in Court having left his office on a direction issued by one Shri Mahendra Singh, Special Secretary, Government of U.P., who in turn has issued the said letter on the basis of directions issued by some other superior authority. As already indicated above, once the matter was fixed today for filing of the personal affidavit of the Additional Chief Secretary (Home) and it was only a conditional order i.e. in case the said personal

affidavit was not filed, only then, Additional Chief Secretary (Home) was required to appear consequently there was no occasion for Shri Aanand to have appeared before this Court on the directions issued by a person having no concern with the case. The Court takes an exception to Shri Aanand being required to appear before this Court having left the work that is already assigned to him.

10. The other aspect is that personal affidavit as filed on behalf of the Additional Chief Secretary (Home) also does not contain the details pertaining to the action, which has been taken against the other accused, more particularly when the learned AGA fairly states that the instructions have only been made available to her today with regard to the same.

11. If this is the status of a personal affidavit, which is to be filed by the Additional Chief Secretary (Home) on the specific directions by the Writ Court and once this Court is already supervising the matter, consequently the fate and status of the other investigation/matters can well be understood, which is a thing which has already been pointed out by this Court in the order dated 29.04.2026.

12. For the sake of convenience paragraphs 6 and 7 of the order dated 29.04.2026 are again reproduced below:

“6. This is a case which this Court is supervising and has also observed something adverse against the authorities. Now the highest authority of the Home Department i.e. Additional Chief Secretary has filed his personal affidavit, which again admittedly indicates the lackadaisical attitude and the helplessness on their part in tracing out the four accused, as indicated in paragraph 4(xi) of the said affidavit.

7. The helplessness on the part of the highest official of the State of Home Department i.e. Additional Chief Secretary (Home) cannot be appreciated in any manner. It is the authorities who are bound to investigate as soon as an FIR is lodged, but here strangely, as already indicated above, despite an assurance being extended to this Court on 23.05.2025, the matter stands as it stood on the said date with the exception of two arrests having

been made and that too, strangely only after this Court has passed a detailed order on 13.04.2026, the arrests having been made on 17.04.2026 and 20.04.2026. This itself speaks volumes about the conduct and about the quality of the investigation on the part of the respondent-authorities !”

13. Thus, it is apparent that despite an opportunity having been given to the Additional Chief Secretary (Home) to redress himself by filing his personal affidavit, he has apparently failed to redress himself. The conduct on the part of the Additional Chief Secretary (Home) can well be understood, who as it prima facie emerges, does not even care about the orders which are being issued by this Court.

14. Considering the aforesaid, we now require the Chief Secretary, Government of U.P. to file his personal affidavit, indicating the incongruities that have been pointed out by this Court as detailed above, as well as indicating the incongruities as pointed out by this Court in the order dated 29.04.2026.

15. The Chief Secretary, Government of U.P. while filing his personal affidavit, would also indicate as to under what circumstances Shri Aanand was required to appear before this Court by a person who has got no role in the matter, and as to why appropriate action be not taken against Shri Mahendra Singh, Special Secretary, Government of U.P., who despite no order having been issued by this Court requiring the personal appearance of Shri Aanand today, still required Shri Aanand to appear before this court.

16. Further noticing the casual personal affidavit of the Additional Chief Secretary (Home) as per the details indicated in paragraphs 11 & 12 of this order, we direct the Additional Chief Secretary (Home) to show cause as to why action be not directed to be taken against him by the State Government as per Rules. The said show cause reply shall be filed by the date fixed in the matter failing which Additional Chief Secretary (Home) shall also appear in person along with records to assist the court.

17. List this case on 15.07.2026.

18. In Case the personal affidavit is not filed, then the Chief Secretary, Government of U.P. shall appear in person along with the entire records to assist the Court.

(Pramod Kumar Srivastava,J.) (Abdul Moin,J.)
May 20, 2026/Arvind