



HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 22118 of 2025

Randhir Singh And Another

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Satish Chandra Sinha, Shashi Prakash Rai
Counsel for Respondent(s)	: G.A., Hari Om Gupta, Virendra Singh

Court No. - 48

HON'BLE CHANDRA DHARI SINGH, J.
HON'BLE LAKSHMI KANT SHUKLA, J.

1. The instant writ petition has been filed with the following main prayers:-

"i. Issue a writ, order or direction in the nature of certiorari quashing impugned First Information Report dated 06.09.2025 registered as Case Crime No.318 of 2025, under Sections 308(2), 308(5), 316(2), 316(5), 319(2), 318(4), 338, 336(3), 340(2), 339, 229, 3(5), 351(3), 231 and 61(2) B.N.S. at police Station Saidpur, District Ghazipur.

ii. Issue a writ, order or direction in the nature of mandamus directing the respondent authority not to adopt any coercive measure against the petitioners in pursuance of the impugned First Information Report dated 06.09.2025 registered as Case Crime No.318 of 2025, under Sections 308(2), 308(5), 316(2), 316(5), 319(2), 318(4), 338, 336(3), 340(2), 339, 229, 3(5), 351(3), 231 and 61(2) B.N.S. at police Station Saidpur, District Ghazipur."

2. Earlier this case was listed before Co-ordinate Bench of this Court on 08.10.2025 who passed the following orders:-

"Heard Shri Satish Chandra Sinha, learned counsel and Shri Shashi Prakash Rai, learned counsel for the petitioners, Shri Ashok Soni, learned counsel holding brief of Shri Hari Om Gupta, learned counsel for the respondents and Shri Chandan Agrawal, learned AGA for the State.

The petitioner no. 1 is a Head Constable in CBCID and is posted at Varanasi.

The F.I.R. records that the petitioners forcibly took 40 blank signed cheques and 5 blank signed papers from the first informant. The aforesaid cheques are now being encashed by various accessories to the offence alongwith the principal offender who is the petitioner no. 1. The aforesaid persons are repeatedly presenting the cheques which are being dishonoured only for the purposes of drawing the first informant into endless litigation and extorting money from him.

The offences disclosed in the F.I.R. are grave enough and warrant independent investigations.

This Court by order dated September 25, 2025 had directed the learned AGA to obtain instructions in the matter. However, no instructions are forthcoming till date.

Prima facie it appears that the petitioner exercises considerable influence over the investigating authorities and the police authorities are apparently covering up for the same by failing to provide the requisite instructions to the Government Advocate.

Considering the gravity of the matter the Court is constrained to summon the Additional Director General of Police, Varanasi in person. Additional Director General of Police, Varanasi shall appear in person on the next date of listing and file a personal affidavit disclosing the progress of investigations. The investigations shall be personally monitored by the Additional Director General of Police, Varanasi on a regular basis.

In the facts of this case the interim order granted earlier is not liable to be extended since it will hamper the police investigations. The interim order granted on September 25, 2025 is accordingly vacated.

List this case on 10.12.2025."

3. In pursuance of order dated 08.10.2025, Mr. Piyush Mordia, Additional Director General of Police, Varanasi Zone, Varanasi is present before this Court.

4. Mr. Anoop Trivedi, learned Additional Advocate General assisted by Mr. Paritosh Kumar Malviya, learned A.G.A. appearing on behalf of the State-respondents placed the personal affidavit of Mr. Piyush Mordia presently posted as Additional Director General of Police, Varanasi Zone, Varanasi in

pursuance of order dated 08.10.2025 before this Court, which is taken on record.

5. Mr. Anoop Trivedi, learned Additional Advocate General submitted and apprised the Court that two other FIRs bearing Case Crime No.301 of 2022, under Sections 467, 468, 471, 384, 506 I.P.C., Police Station Cantt., District Varanasi and FIR bearing Case Crime No.60 of 2022, under Sections 420, 406 I.P.C., Police Station Shadiyabad, District Ghazipur pending against the petitioners may also be investigated fairly. He has referred certain paragraphs of the affidavit filed by the Additional Director General of Police, Varanasi Zone, Varanasi. Learned Additional Advocate General during the arguments, it is submitted that in view of the averments made in the affidavit and report of the investigating officer in the instant F.I.R. as well as the other FIRs pending against the petitioners in other district may be investigated by the respective investigating officers, but to be monitored by the Additional Director General rank officer, outside the Varanasi or Ghazipur.

6. *Per contra*, Mr. Swetashwa Agarwal, learned Senior Counsel appearing on behalf of the petitioners vehemently opposed the averments made in the affidavit filed by the Additional Director General of Police and submitted the instant FIR is not being fairly investigated by the investigating officer. It is apprised the Court that the petitioners have already preferred S.L.P. challenging the previous order dated 08.10.2025 passed by the Co-ordinate Bench in Hon'ble Supreme Court. He further submitted that the Investigating Agency may be directed to get the investigation done in pending FIRs by the independent investigating officer and the same may also be monitored by not below the rank of Additional Director General. He has also agreed that the Additional Director General of Police outside of the Varanasi range may monitor the investigation in aforesaid criminal cases ensuring the fairness of the investigation.

7. Heard Mr. Swetashwa Agarwal, learned Senior Counsel assisted by Mr. Mohd. Aman Khan, Mr. Krishna Kumar Verma, learned counsel appearing on behalf of the petitioners and Mr. Anoop Trivedi, learned Additional Advocate General assisted by Mr. Paritosh Kumar Malviya, learned A.G.A. appearing on behalf of the State-respondents and also perused the orders of the Co-ordinate Bench as quoted above.

8. After considering the submissions of the petitioners and counter submissions of respondent-State, we are of the view that all the FIRs mentioned above against the petitioners should be investigated fairly and monitored by the higher officer of the Investigating Agency.

9. Taking into consideration the above-said submissions, observations, gravity of the matter and peculiar facts and circumstances of the case, the Director General of Police, Government of U.P. is directed to nominate an Additional Director General rank officer out of the Varanasi range to monitor the investigation in the instant matter and other FIRs pending against the petitioners. The said Additional Director General of Police is directed to file status report before this Court within four weeks from today.

10. List this case on 04.02.2026.

11. Personal appearance of Mr. Piyush Mordia, Additional Director General of Police, Varanasi Zone, Varanasi is exempted until further orders.

12. Registrar (Compliance) of this Court is directed to communicate this order to the Director General of Police, Government of U.P., forthwith.

December 10, 2025

Atul

(Lakshmi Kant Shukla,J.) (Chandra Dhari Singh,J.)