

Court No. - 21

Case :- CRIMINAL MISC. WRIT PETITION No. - 11895 of 2017

Petitioner :- Mangal Soni

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Rajendra Kumar Pandey, Sri O.P. Singh

Counsel for Respondent :- G.A., Manish

Hon'ble Krishna Murari, J.

Hon'ble Krishna Pratap Singh, J.

Heard learned counsel for the petitioner and Shri Manish for the respondents.

Petitioner has approached this Court seeking a mandamus to command the respondent authorities/ Investigating Officer to investigate the Case Crime No. 0619 of 2017, State Vs. Ramesh Ginodia & Ors. under Sections 419, 420, 406, 467 and 468 IPC, registered at Police Station Cantt., District Varansi within a stipulated time and expeditious manner in accordance with law.

This petition has been filed on the allegations that petitioner is a life member of the society named as Prabhu Narain Union Club, Varansi. He was elected on the post of President for five consecutive terms and lastly he was nominated as Patron of the aforesaid club. A FIR under Sections 419, 420, 406, 467 and 468 IPC was lodged against respondent nos. 4 to 6 in pursuance to an order passed under Section 156 (3) Cr.P.C., which was registered as Case Crime No. 0619 of 2017, P.S. Cantt., District Varansi. The accused were the ex-office bearers and present Secretary of the society.

It appears that there was some dispute in the society and in pursuance of an order passed in Special Appeal No. 931 of 2015, the Assistant Registrar conducted an inquiry and held the erstwhile committee to be illegal, fixing the date for fresh election. The main grievance of the petitioner is that though the FIR has been registered, but investigation has not yet commenced and none of the accused persons have been arrested.

The FIR was lodged only on 14.06.2017. Without even waiting for a reasonable period for the Investigating agency to complete the investigation, petitioner has unnecessarily rushed to this Court seeking a direction to conclude the investigation expeditiously.

In the facts and circumstances, we are not inclined to issue any mandamus for there is absolutely no delay on the part of the Investigating agency in the matter.

The writ petition, accordingly, fails and stands dismissed.

However, we hope and trust that investigation agency shall bring the investigation to a logical end expeditiously.

Order Date :- 5.7.2017

VKS