

IN THE HIGH COURT OF JUDICATURE FOR _____

AT _____

S.B. CRIMINAL MISC. PETITION NO: _____/20XX

PETITIONER:

ABC S/o Shri _____, Aged about _____, R/o _____

V E R S U S

RESPONDENTS:

1. State of _____ through P.P.
2. The Superintendent of Police, _____
3. The Station House Officer, Police Station _____
4. XYZ (EC no. _____)
5. LMN (EC no. _____)
6. PQR (EC no. _____)
7. TUV (EC no. _____)

**S.B. CRIMINAL MISC. PETITION UNDER SECTION
482 CR.P.C, SEEKING FAIR AND IMPARTIAL
INVESTIGATION IN THE MATTER OF F.I.R. NO. ____
REGISTERED AT POLICE STATION, _____**

**OFFENCES UNDER SECTION _____ OF
THE I.P.C.**

To,

The Hon'ble Chief Justice and his other companion Judges of High
Court of Judicature for _____ at _____.

MAY IT PLEASE YOUR HONOUR,

On behalf of the petitioner, it is most humbly and respectfully submitted
as under:-

1. That brief facts giving rise to the instant criminal misc. petition are that the petitioner lodged an F.I.R. with the averments that The Petitioner/ Complainant is an employee of _____ and the Respondent no. 4 to 7 are also employees of the _____. The private respondents prepared fake and false documents in respect to the date of birth of their children. That _____ Son of TUV having Date of birth as per the Hospital record is _____ but in the School record the date of birth mentioned as _____; _____ D/o XYZ having date of birth as per the Hospital record is _____ but in the school record the date of birth mentioned as _____; _____ D/o LMN having date of birth as per the Hospital record is _____ but as per the Hospital record the date of birth mentioned as _____; _____ D/o TUV having date of birth as per the Hospital record is _____

respectively but as per School record _____ and _____ having date of birth as per Hospital record is _____ but as per the school record the date of birth is _____. It is submitted that the accused persons made fake and false Date of birth of their children thus, take legal steps.

2. That the FIR has been lodged against the accused persons on dated _____ and its more than _____ months and no investigation has been conducted by the Police authorities. The Petitioner approached the higher authority but till date no heed was paid to the Petitioner.

Hence, being aggrieved by the manner in which the investigation is being carried by the police till day, the humble petitioner left with no option, but to approach to this Hon'ble Court for its kind intervention in the matter so as to secure the ends of justice on following amongst other grounds:-

GROUND

- a) That in the very first instance, it is humbly submitted that it is the pious duty of the investigating officer of the matter to conduct the investigation in fair and impartial manner and to collect all relevant evidence which is material for the conclusion and to elicit the truth but in the instant matter till day no heed was paid by the I/o, further

it was incumbent upon the magistrate to call for the progress report and to pass necessary direction in order to carry a fair investigation but the same was not done therefore the kind intervention of the Hon'ble court is required so as to secure the ends of justice. Therefore the indulgence of the Hon'ble court is required for the sake of justice and to prevent the abuse of process of law and for that purpose the case is required to be investigated by any other agency or superior officer of the police of another zone, so that the investigation may be conducted fairly, impartially, fearlessly and without getting influence of any person, so mighty he may be, and also with a view to curb & cripple down the colorable exercise of powers by the depraved officers.

- b) That from the perusal of the relevant document, it would be manifested that the conduct of the investigating agency in this case have been highly suspicious and unfair and the I/O has tried to cover up and hush up whole case by inadequate, tainted lopsided investigation in a serious matter of usurping land of a member of down-trodden sect. The action taken by the police in this case till date; cannot be said to be justified rather it proves the biasness on the part of the I/O. The dereliction of duties by the local police officers in collection of the relevant evidence and the manner in

which the entire investigation has undertaken till day, fortifies the apprehension of the petitioner that the I/O of the case will not carry fair, just and impartial investigation in the matter, therefore in the interest of justice it would be justifiable to hand over the investigation of the case to any other agency.

- c) That a bare perusal of the F.I.R. reveals the commission of non-cognizable offences by the accused persons, the relevant papers produced on record, further fortify the contention of the complainant that the offence was committed by the concern accused persons, but as they are very influential persons, the police, is not going to take steps against them, which is a clear abuse of process of law and therefore to secure the ends of justice, the extra ordinary powers of the Hon'ble Court requires to be exercised in the matter.
- d) That earlier the Petitioner also filed the FIR having registration no. _____ related to the same offences against _____, _____ and _____. They are also the employees of the _____ and in this FIR the Petitioner made allegation against the employees of the _____. The Police officials did not take any action against the accused persons.

- e) That the F.I.R. was registered on _____, a considerable long time has been elapsed, but till day, the matter has not been proceeded with therefore, in the interest of justice suitable directions and kind interventions of this Hon'ble Court requires to be made in the instant case.
- f) That in the very first instance, it is humbly submitted that the manner in which the police authorities treated and handled the matter, goes to show that the police authorities are not doing the job entrusted to them by the law, which is a clear abuse of process of law, and to secure the ends of justice, it warrants interference of this Hon'ble court. It is incumbent upon the investigating officer of a case to investigate the matter, collect the evidence and evaluate it into its correct perspective and submit the result of investigation u/s 173 of the C.R.P.C. in whatever manner he deems fit, whether it is a charge sheet or a negative final report. The investigation of a case by the office in-charge of the police station under chapter-12 of the C.R.P.C., is a part of his public duty and he is under obligation to conduct investigation expeditiously and to submit the result of investigation u/s 173 of the C.R.P.C. without unnecessary delay. Having not done so, and acted in arbitrary manner, the police authorities have abused the process of law.

- g) That the petitioner craves leave of this Hon'ble Court to add and supplement more grounds at the time of arguments.

It is, therefore, most humbly and respectfully prayed that this Criminal Misc. Petition may kindly be allowed and the following directions may kindly be passed in the interest of justice:-

- a) That it may kindly be ordered that the investigation shall be conducted fairly, impartially and expeditiously.
- b) That the result of the investigation may kindly be ordered to be filed as soon as possible.
- c) That the investigation of the matter may kindly be ordered to be conducted by the Higher Authority.
- d) Any other appropriate relief, which this Hon'ble Court deems just and proper in favor of the petitioner, may kindly be passed.

COUNSEL FOR THE PETITIONER

NOTES:

- 1) That no such misc petition has previously been filed before the Hon'ble High court.

- 2) That P.P. has been served.
- 3) Typed by private steno.
- 4) Typed on these pie papers.
- 5) That the internal pagination and endorsement has properly been done in all sets.
- 6) That the matter pertains to jurisdiction of this Hon'ble court.
- 7) Email _____; mob: _____

COUNSEL FOR THE PETITIONER