

Court No. - 49

Case :- WRIT - A No. - 80 of 2016

Petitioner :- Devendra Kumar Singh

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Sanjeev Singh, Satyendra Kumar Pandey, Sudhakar Pandey

Counsel for Respondent :- C.S.C., Parmeshwar Yadav

Hon'ble J.J. Munir, J.

A personal affidavit has been filed by Omvir Singh, Superintendent of Police, Ballia indicating that an F.I.R. has been registered in accordance with the order of this Court dated 29.05.2025.

This Court is surprised to find that on our directions to lodge an F.I.R. to trace out the missing service book, instead of requiring the complainant or an officer of the police to register the substance of the information, in the Check F.I.R. our order dated 29.05.2025 has been taken to be the written first information and entered in the check form. This act on the part of the Superintendent of Police is *prima facie* contumacious, apart from being manifestly illegal.

Let Omvir Singh, Superintendent of Police, Ballia explain his position regarding the contumacious action in taking the order of this Court as the written first information report and entering it in the check form, showing in the check form a private complainant as the informant. The Superintendent of Police ought know by now that even if this Court directs the registration of an F.I.R., it is an Officer of the Court who carries out the directions and gives a written information to the Police. The orders of the court cannot be taken as a written first information. The Superintendent of Police, Ballia will also show cause why the written first information report as entered in the check form be not ordered to be expunged and substituted by a fresh first information report to be lodged on a written information given by the petitioner or a Police Officer. The said affidavit shall be filed within a week.

List on **14.07.2025 at 2:00 p.m.**

The records received from the learned Registrar General in sealed cover have not been opened today. It shall be sent back to the learned Registrar General and forwarded to the Court again on the next date.

Let this order be communicated to the Superintendent of Police, Ballia through the learned Chief Judicial Magistrate, Ballia by the Registrar (Compliance) **within 48 hours.**

Order Date :- 3.7.2025

Vijay