

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 11694 of 2025

Petitioner :- Nitesh Kumar Informant

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Shambhu Nath

Counsel for Respondent :- G.A.

Hon'ble J.J. Munir,J.

Hon'ble Anil Kumar-X,J.

This is not the first case since morning where missing persons have not been traced out. We notice that the police are carving out a larger than life image for themselves shielding themselves from receiving and attending to public grievances. In this case, the petitioner's brother is missing since 31.03.2025 when he was reportedly abducted. The F.I.R. in this case was lodged on 03.04.2025. The police generally exhibit apathy in such matters because no personal responsibility is fixed upon the officers, in consequence of whose inaction an abduction turns into a murder. If, in consequence of an abductee not being traced out in good time, the victim is killed, the responsibility, *prima facie*, has to be fixed upon the head of the police under whose jurisdiction the report of abduction or kidnapping was made and later had fatal consequences because the victim was not recovered.

Issue notice.

Notice on behalf of respondent nos. 1 to 3 is accepted by Mr. Nagendra Kumar Srivastava, learned A.G.A. He is granted a week's time to file a counter affidavit.

Notice shall be served upon respondent no.4 through the Chief Judicial Magistrate, Varanasi **within 24 hours**.

Lay as fresh on **12.06.2025** along with a report regarding status of pleadings.

Apart from a counter affidavit to be filed on behalf of the other respondents generally answering the writ petition, a personal affidavit will be filed by the Commissioner of Police, Varanasi on or before the next date fixed showing cause why the abductee has not been recovered so far.

Let this order be communicated to the Police Commissioner,

Varuna (Commissionerate, Varanasi), District Varanasi through the learned Chief Judicial Magistrate, Varanasi by the Registrar (Compliance) **today**.

Order Date :- 4.6.2025

Vijay/Gaurav Kuls

(Anil Kumar-X,J.) (J.J. Munir,J.)