

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 11899 of 2025

Petitioner :- Samunder Pandey

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Akhilesh Kumar Tiwari, Bhupendra Kumar Pandey, Pradeep Kumar Sahu

Counsel for Respondent :- G.A.

Hon'ble J.J. Munir, J.

Hon'ble Anil Kumar-X, J.

The petitioner is aggrieved by the opening of a history sheet against him and says that it is based on irrelevant material. It is argued by learned Counsel for the petitioner that the police enter the petitioner's home at unearthly hours disturbing his privacy and carry him off to the police station, sometimes in the dead of night.

It is by now well settled in view of the celebrated decision of **Kharak Singh vs The State Of U. P. & Others AIR 1963 SC 1295** that the police cannot pay domiciliary visits to the homes of history-sheeter *et cetera* at unearthly hours. The law laid down in **Kharak Singh (supra)** was followed by a Bench of this Court in **Smt. Nargis and others v. State of U.P. and others, (2004) 5 AWC 5166**.

Issue notice.

Notice on behalf of respondent nos. 1 to 3 is accepted by Mr. S. S. Tiwari, learned A.G.A. He is granted three weeks' time to file a counter affidavit.

List for **admission** on **11.07.2025** along with a report regarding status of pleadings.

Until further orders of this Court, the police are restrained from paying domiciliary visits to the petitioner in the night at unearthly hours disturbing his peace and privacy.

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

Order Date :- 5.6.2025

Vijay/Gaurav Kuls

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