2025:AHC-LKO:68238-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

CRIMINAL MISC. WRIT PETITION No. - 1356 of 2024

Piyush Kumar Verma

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Home Deptt. Lko. And Others

.....Respondent(s)

Counsel for Petitioner(s) : Anuuj Taandon, Atish Kumar Singh
Counsel for Respondent(s) : G.A.

Court No. - 10

HON'BLE RAJNISH KUMAR, J.
HON'BLE ZAFEER AHMAD, J.

1. Heard Sri Anuuj Taandon, learned counsel for the petitioner and learned A.G.A. for the State.

2. This petition has been filed challenging the History Sheet No.376-A of 2008 dated 19.05.2008, Police Station Jankipuram, District Lucknow.

3.Learned A.G.A. on the basis of instructions submits that by means of order dated 17.10.2025, surveillance of the petitioner has already been stopped in terms of paragraph 234 of the U.P.Police Regulation. Even otherwise the submission is that the petitioner had earlier approached this Court and this Court had disposed of the writ petition with liberty to move a representation, which was moved by the petitioner and the same has been decided. Thereafter, the petitioner again filed another writ petition challenging the history sheet without challenging the order passed on the representation, therefore, the petition was dismissed. Thereafter the petition was filed challenging the order passed on representation, which was disposed of in terms of averments made by Police Commissioner in affidavit filed by him that Deputy Commissioner has passed an order on 17.10.2021 for closure of surveillance, which may be resumed on further information in regard to petitioner. Now this is the fourth writ petition for quashing of the history sheet, which is nothing but misuse of the process of law and it is liable to be dismissed.

4.Perusal of the documents placed on record of this petition indicates that the petitioner had approached this Court by means of the Writ Petition No. 30195 (M/B) of 2016 (Piyush Kumar Verma vs. State of U.P. and Ors.) seeking issuance of a writ in the nature of certiorari quashing the History Sheet No.376-A of 2009, Police Station Jankipuram, District Lucknow. The same was disposed of by means of the order dated

21.12.2016 with liberty to the petitioner to move a fresh representation before the Senior Superintendent of Police, Lucknow, and in case, such representation is filed, the same was directed to be decided in accordance with law considering the various aspect of the case. In pursuance thereof admittedly a representation was moved by the petitioner.

5. On a query, learned counsel for the petitioner submits that the said representation has still not been disposed of, whereas perusal of the order dated 18.12.2023 passed in Writ Petition No.27776 (M/B) of 2018 (Piyush Kumar Verma vs. State of U.P. & Ors.) contained in annexure no.2 to the writ petition indicates that writ petition was filed seeking issuance of a writ in the nature of certiorari quashing the History Sheet No.376-A of 2009, Police Station Jankipuram, District Lucknow, in which a short counter affidavit was filed appending the order dated 11.12.2017 passed on the representation of the petitioner. The said writ petition was dismissed by order dated 18.12.2018.

6. The petitioner again approached this Court challenging the order dated 11.12.2017 passed in Writ Petition No.35478 (M/B) of 2019 by the Senior Superintendent of Police, Lucknow with a prayer to close the History Sheet N0.376A-of 2009, Police Station Jankipuram, District Lucknow. In the said writ petition, a personal affidavit of the Police Commissioner, Lucknow was filed disclosing in paragraph-7 that the Deputy Commissioner of Police, North, Lucknow has passed the order dated 17.10.2021, by means of which, he has directed to close the surveillance. However, if the petitioner involves himself again in any criminal act or any adverse order would be passed by any competent court, his surveillance would be resumed as per the procedure prescribed under law. Considering the same, this Court observed that no purpose would be served to keep the writ petition pending and disposed of the same in terms of the averments made by the the Deputy Commissioner of Police, North, Lucknow in paragraph-7 of the personal affidavit by means of the order dated 1.12.2021, which on reproduction, reads as under:-

> *"Heard learned counsel for the petitioner and learned A.G.A*
>
> *By means of this writ petition, a prayer has been made to quash order dated 11.12.2017 passed by the Senior Superintendent of Police, Lucknow which has been annexed as Annexure No.1 to the writ petition and further to close the history sheet No.376-A/2009, Police Station Jankipuram, Lucknow.*

Pursuant to our order dated 28.9.2021, the Police Commissioner, Lucknow has filed his personal affidavit, which is taken on record. In paragraph 7 of the said affidavit, the following averments have been made by the Police Commissioner :-

"7. That after reviewing the entire record and the report furnished by the Assistant Commissioner of Police, Aliganj. Lucknow, the competent authority i.e. Deputy Commissioner of Police, North, Lucknow has passed the order dated 17.10.2021, by means of which, he has directed to close the surveillance. However, if the petitioner involves himself again in any criminal Act or any adverse order passed by any competent court, his surveillance would be resumed as per the procedure."

Accordingly, what we find is that the entire matter has been reviewed by the Assistant Commissioner of Police, who has passed order dated 17.10.2021 which has been annexed as Annexure No.A-1 to the affidavit filed by learned A.G.A. on behalf of Commissioner of Police, Lucknow. As per the said order, surveillance of the petitioner has been closed. However, it has also been provided that in case the petitioner is found involved in any other criminal act or any adverse order is passed by any competent court, the surveillance would be again be resumed in accordance with the rules/ procedures provided under the law.

In view of the above, no purpose would be served to keep this writ petition pending which is hereby disposed of in

terms of the averments made by the Police Commissioner, Lucknow in paragraph-7 of the personal affidavit filed today."

7. In view of above, thrice the plea of the petitioner for quashing the History Sheet No.376-A/2009 at Police Station Jankipuram, Lucknow has been challenged by the petitioner in three different writ petitions, which have been considered and appropriate orders have been passed by this Court and finally the same has been decided by means of the order dated 01.12.2021 (supra).

8.The petitioner has admittedly neither challenged the said orders nor any contention of learned counsel for the petitioner in the same is recorded that after order dated 17.10.2021, the history sheet of the petitioner is liable to be quashed, which if may have been argued could have been considered by this Court. However since the said prayer has not been granted, therefore it stands rejected.

9. Now, this fourth petition has been filed with the averments made in paragraph-7 that since the question of quashment of history sheet has never been adjudicated in the earlier petitions rather after disposal of the Writ Petition No.35478 (M/B) of 2019, only the surveillance was closed, however, there is chain of circumstances and fresh cause of action coupled with new development have been accrued in respect of continuation of History Sheet No.376-A/2009 bearing name of the applicant Piyush Kumar Verma at Police Station Jankipuram, Lucknow wherein the petitioner is kept under constant surveillance by the police and almost every six months police visit the house of the applicant for inquiry, he is facing stigma and disqualification that he is a history sheeter despite having acquitted in a single case inflicted upon him.

10. In response to above in paragraph-15 of the counter affidavit, it has been disclosed by the State that from 17.10.2021 the surveillance of the petitioner in accordance with paragraph-231 of the U.P. Police Regulation has been discontinued.

11.The petitioner in paragraph-18 of the writ petition has stated that the surveillance is still being made on the basis of CCTV footage. The photographs of which have been annexed by him are of one and the same day. In response to the paragraph-18 of the writ petition, the State has denied the averments and stated that the surveillance has been discontinued since 17.10.2021 considering which this Court had passed the order dated 01.12.2021. Even otherwise merely on the basis of certain photographs, it cannot be stated that the surveillance is being continued repeatedly.

12.In view of above and considering over all the facts and circumstances of the case, this Court is of the view that this fourth petition for the same relief has been filed with misconceived and baseless grounds and is liable to be dismissed.

13.Dismissed accordingly.

(Zafeer Ahmad,J.) (Rajnish Kumar,J.)

October 31, 2025
Shahnaz

Digitally signed by :-
SHAHNAZ BANO
High Court of Judicature at Allahabad,
Lucknow Bench