



2025:AHC-LKO:85430-DB

AFR
Reserved

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. WRIT PETITION No.4791 of 2025

Rajesh Singh

.....Petitioner(s)

Versus

State of U.P. Thru. Addl. Chief Secy. Home Lko. and others

.....Respondent(s)

Counsel for Petitioner(s)	: Kapil Misra, Ashish Kumar Singh
Counsel for Respondent(s)	: G.A., Anurag Kumar Singh, Naved Ali

CONNECTED WITH

CRIMINAL MISC. WRIT PETITION No.6047 of 2025

Rajesh Singh

.....Petitioner(s)

Versus

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

.....Respondent(s)

Counsel for Petitioner(s)	: Kapil Misra
Counsel for Respondent(s)	: G.A.,Anurag Kumar Singh,Naved Ali,Rao Narendra

Court No. - 9

HON'BLE RAJESH SINGH CHAUHAN, J.
HON'BLE ABDHESH KUMAR CHAUDHARY, J.

1. Heard Sri Kapil Misra, learned counsel for the petitioner and Sri V.K. Singh, learned Government Advocate assisted by Sri Rao Narendra Singh, learned counsel appearing for the State in Criminal

Misc. Writ Petition No.4791 of 2025 (hereinafter referred to as “first writ petition”) and Sri Kapil Misra, learned counsel for the petitioner, Sri V.K. Singh, learned Government Advocate assisted by Sri Rao Narendra Singh, learned counsel appearing for the State as well as Sri Naved Ali, learned counsel for opposite party no. 7 in Criminal Misc. Writ Petition No.6047 of 2025 (hereinafter referred to as “second writ petition”).

2. Since the petitioners in both the writ petitions are the same and in his second writ petition, the petitioner has tried to raise an issue as to how the main accused person may have influenced the investigating agency in the first case i.e. Special Task Force (hereinafter referred to as “STF”) inasmuch as according to him, the said main accused with the help of one Journalist has obtained certain secret and/ or confidential documents from the STF by adopting illegal means while the investigation in the first case was being transferred from local police to STF, therefore, he has prayed for transfer of the investigation in both the cases to Central Bureau of Investigation (hereinafter referred to as “CBI”).

3. In view of the above, since the second writ petition is an off-shoot of the first writ petition, both these petitions have been heard together and with the consent of learned counsel for the parties, these writ petitions are being connected and decided by this common order.

4. Main prayer of first writ petition bearing Criminal Misc. Writ Petition No.4791 of 2025 is as under:-

“1. Issue a writ order or direction in the nature of Mandamus commanding the respondents to transfer and entrust of the investigation of FIR dated 07.01.2021 registered as Case Crime No.15 of 2021 u/s 120-B, 302, 307, 34 I.P.C. at P.S. Vibhuti Khand District Lucknow to Central Bureau of Investigation and further direct the respondent No.5 to carry out a speedy and expeditious investigation in the aforementioned case within a specified time. (Annexure No. 1).”

5. Main prayer of second writ petition bearing Criminal Misc. Writ Petition No.6047 of 2025 is as under:-

“1. Issue, a writ order or direction in the nature of Mandamus commanding the respondents to transfer and entrust of the investigation of FIR registered as Case Crime No. 445 of 2020 u/s 5 & of Official Secret Act, 1923 at P.S. Vibhuti Khand District Lucknow to Central Bureau of Investigation and further direct the respondent No.5 to carry out a speedy and expeditious investigation in the aforementioned case within a specified time. (Annexure No. 1).”

6. Notably, in both the writ petitions, writs of mandamus have been prayed seeking to transfer and entrust the investigation of both the FIRs bearing (i) Case Crime No.0015 of 2021, under Sections 120-B, 302, 307 & 34 IPC, Police Station- Vibhuti Khand, District- Lucknow and (ii) Case Crime No.445 of 2020, under Section 5 (2) of Official Secrets Act, 1923, Police Station- Vibhuti Khand, District- Lucknow, to the Central Bureau of Investigation (hereinafter referred to as “CBI”) and CBI be directed to carry out speedy and expeditious investigation in the aforesaid cases, therefore, it is amply clear that writ of certiorari has not been prayed in both the writ petitions assailing any FIR or consequential proceedings.

7. At the very outset, since the learned Government Advocate as well as the learned counsel for the opposite party no.7 has raised a preliminary issue relating to maintainability of the present petitions on the basis of *locus standi* of the petitioner, this Court, as such, would like to examine the *locus* of the present petitioner to file both the aforesaid writ petitions.

8. In both the aforesaid writ petitions, the present petitioner is neither informant nor complainant nor the accused person but he is admittedly uncle of one late Ajeet Singh, who was murdered on 06.01.2021 in the State capital and for which Case Crime No.0015 of 2021 (*supra*) came to be lodged on 07.01.2021 against three accused persons, namely, Dhruv Singh alias Kundu Singh, Akhand Pratap Singh, Kanhaiya Vishwakarma alias Girdhari alias Doctor and three unknown persons, likewise the FIR

bearing Case Crime No.445 of 2020 (supra) has been lodged by one Sub Inspector Sri Shiv Netra Singh against one Sri Suresh Bahadur Singh, Senior Journalist of Jan Sandesh and Dhananjay Singh for possessing one secret document allegedly by adopting illegal means. In the second FIR, the present petitioner is neither a victim nor any affected party in any manner whatsoever.

9. For the sake of convenience, definition of “victim” mentioned under Section 2 (wa) of Cr.P.C. is being reproduced hereunder:-

“Section 2 (wa) “victim” means a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression “victim” includes his or her guardian or legal heir.”

10. Perusal of the aforesaid definition clearly indicates that the victim would be a person, who has suffered a loss or injury caused by an act or omission by an accused person and also includes his/her legal heir. The informant of the first FIR No.0015 of 2021 is Mohar Singh, son of Sri Kling Singh, who is friend of the deceased (Ajeet Singh) and received injuries as he was with him when the alleged incident of firing and murder took place on 06.01.2021.

11. It would be pertinent to mention herein that after the registration of the aforesaid FIR No.0015 of 2021 (supra), wife of late Ajeet Singh filed a writ petition bearing Criminal Misc. Writ Petition No.25544 of 2021, (Smt. Ranoo Singh Vs. State of U.P. and Others), seeking prayer in the nature of mandamus, thereby commanding the respondents to transfer and entrust the investigation of the said FIR to CBI. The reason for seeking such a transfer was that one Ex-Member of Parliament (Dhananjay Singh), who is alleged to be involved in the murder of her husband, is a highly influential person and investigation already transferred from local police to STF did not yield any result and on the contrary was trying to protect the said Dhananjay Singh. Thus, in the aforesaid background, since she was very much apprehensive that if the investigation is conducted by the STF, Dhananjay Singh would either

be saved or he would be implicated only in minor sections, the said writ petition was filed before this Court.

12. Learned AGA has informed the Court that after thorough investigation, charge sheet has been submitted against thirteen accused persons including Dhananjay Singh, for whom charge sheet has been filed only under Sections 212 & 176 IPC by the STF.

13. Having considered the aforesaid submissions of learned counsel for the parties, this Court had dismissed the aforesaid writ petition vide order dated 30.11.2022 observing that this Court did not find any ground to entrust the matter to any other agency such as CBI as charge sheet had already been filed against thirteen accused persons including Ex-Member of Parliament, Dhananjay Singh and most importantly no infirmity during investigation by the STF in the murder of the husband of the petitioner was shown or brought on record. However, this Court while dismissing the aforesaid petition left open for the petitioner to challenge the charge sheet, if she was aggrieved and if so advised.

14. Subsequently, wife of late Ajeet Singh, namely, Ranoo Singh assailed the aforesaid order of this Court dated 30.11.2022 before the Apex Court by filing SLP (C) No.12751/2022 (Criminal Appeal No.1867/2024), 'Ranoo Singh Vs. State of U.P. & Ors.', before the Apex Court and the main plea of learned counsel for the petitioner (Ranoo Singh) was that even if the charge sheet has been filed, the prayer seeking transfer of the investigation to an independent agency may not be considered as infructuous, if serious allegations have been levelled against the accused persons. It was argued by the learned counsel for Ranoo Singh that if this Court was of the view to dismiss the petition for the reason that the charge sheet has been filed, at least this Court ought to have assigned reasons in brief as to why the grounds prayed for transfer were not found sufficient.

15. On the basis of the aforesaid submission of the learned counsel, the order of this Court dated 30.11.2022 was set aside and the matter was

remitted back to this Court for deciding the writ petition afresh strictly in accordance with law by the Apex Court vide order dated 02.04.2024. The order to that effect dated 02.04.2024 (supra) reads as under:-

“1. Delay condoned.

2. Leave granted.

3. These appeals challenge the judgments and orders passed by the Division Bench of the High Court of Judicature at Allahabad, Lucknow Bench, thereby rejecting the writ petitions filed by the appellant(s) for transferring of investigation to an independent agency like the Central Bureau of Investigation (for short, ‘CBI’).

4. The only reason given in the impugned judgments and orders is that since the charge-sheets had already been filed, no ground was made out for transfer of investigation to another agency, viz, CBI.

5. In our view, this cannot be a ground for rejecting the prayer for transfer of investigation to an independent agency. When serious allegations have been made by the appellant(s), the High Court should at least have assigned reasons in brief as to why the grounds prayed for transfer were not found to be sufficient.

6. In that view of the matter, the impugned order(s) are quashed and set aside and the matters are remitted back to the High Court for deciding them afresh, in accordance with law.

7. We request the High Court to decide the petitions as expeditiously as possible and in any case within a period of six months from today.

8. We clarify that we have not considered the merits of the matters and the impugned judgments and orders have been quashed and set aside only on the aforesaid grounds.

9. The appeals are accordingly disposed of.

10. Pending application(s), if any, shall stand disposed of.”

16. Later, Smt. Ranoo Singh again filed a Miscellaneous Application No.428/2025 in CrI.A. No.1867/2024, ‘Ranoo Singh Vs. State of U.P. & Ors.’, before the Supreme Court for appropriate order/ directions and the Hon’ble Court again passed an order dated 21.03.2025 which reads as under:-

“1. Vide order dated 02.04.2024, we had requested the High court to decide the petition as expeditiously as possible and in any case within a period of six months from today.

2. There is no doubt that the High Court is not an inferior Court to the Supreme Court. However, when the Supreme Court had made a request to the High Court, it is expected that due weightage should be given to such a request.

3. We, therefore, reiterate our request to decide the matter within a period of three months from today.

4. The petitioner is at liberty to move an application before the concerned Bench of the High Court along with this Order.

5. The miscellaneous application is, accordingly, disposed of.”

17. After the aforesaid order dated 21.03.2025, which was passed by the Apex Court, the petitioner (Ranoo Singh) in that petition, instead of pursuing her writ petition, which was to be decided in compliance of the order of the Apex Court, filed an application for withdrawal of the said writ petition before this Court.

18. Notably, after filing of the writ petition bearing Criminal Misc. Writ Petition No.25544 of 2021, wife of late Ajeet Singh filed three more writ petitions bearing (i) Criminal Misc. Writ Petition No.27624 of 2021, (Ranoo Singh Vs. State of U.P. and Others), (ii) Criminal Misc. Writ Petition No.3180 of 2024, (Ranoo Singh Vs. State of U.P. and Others) and (iii) Criminal Misc. Writ Petition No.3786 of 2024, (Ranoo Singh Vs. State of U.P. and Others), more or less on the same prayers and all the writ petitions were connected together. The applications for withdrawal of the writ petitions were filed in Criminal Misc. Writ Petition No.25544 of 2021 (i.e. remanded by the Supreme Court) as well as in three other connected writ petitions. Interestingly, the present petitioner (Rajesh Singh) filed an application for impleadment also in Criminal Misc. Writ Petitions No.3180 of 2024 and 3786 of 2024. The Division Bench of this Court vide a common order on 23.04.2025 in all the aforesaid writ petitions as well as in Criminal Misc. Applications filed in the aforesaid writ petitions, passed the following order dated 23.04.2025 (supra), which reads as under:-

“[C.M. Application No. 8 of 2025 (withdrawal of CRLP No. 25544 of 2021)]

[C.M. Application No. 5 of 2025 (withdrawal of CRLP No. 27624 of 2021)]

[C.M. Application No. 4 of 2025 (withdrawal of CRLP No. 3180 of 2024)]

[C.M. Application No. 4 of 2025 (withdrawal of CRLP No. 3786 of 2024)]

Sri Ajit Singh, Advocate appears on behalf of the petitioner-Ranoo Singh in Crl. Misc. Writ Petition No. 25544 of 2021, Crl. Misc. Writ Petition No. 27624 of 2021, Crl. Misc. Writ Petition No.3180 of 2024 and Crl. Misc.Writ Petition No. 3786 of 2024 and he says that he has filed applications for withdrawal of the petition on behalf of the petitioner in all such writ petitions. These applications for withdrawal are duly supported by the affidavit of the petitioner herself.

Sri Rao Narendra Singh, Advocate appears on behalf of State-respondents in Crl. Misc.Writ Petition No. 3786 of 2024 and Sri Anurag Kumar Singh, Advocate appears on behalf of respondents in Crl. Misc. Writ Petition No. 3180 of 2024. They have expressed their no objection to the writ petitions being dismissed as withdrawn.

Accordingly, all the withdrawal applications are allowed and the Crl. Misc. Writ Petition No. 25544 of 2021, Crl. Misc. Writ Petition No. 27624 of 2021, Crl. Misc. Writ Petition No.3180 of 2024 and Crl. Misc.Writ Petition No. 3786 of 2024 are hereby dismissed as withdrawn.

[Application for Impleadment in CRLP No. 3180 of 2024]

[C.M. Application No. 6 of 2025 (Impleadment in CRLP no. 3786 of 2024)]

Sri Kapil Mishra, Advocate appears and has pointed out that he has filed impleadment applications in Crl. Misc. Writ Petition No. 3180 of 2024 and Crl. Misc. Writ Petition No. 3786 of 2024. However, this Court finds no good ground to allow such impleamdnet applications, as the writ petitions have been dismissed as withdrawn.

The applications for impleadment are, accordingly, disposed of.
(Emphasis Supplied)

19. Although no reasons were attributed by Ranoo Singh to withdraw these writ petition, however, it appears that since the charge sheet had already been filed in the FIR/ Case Crime No.0015 of 2021 (supra) and that charge sheet was not assailed in any of the aforesaid writ petitions,

therefore, it was quite possible that she might have thought to challenge the charge sheet by filing appropriate petition before the competent court. In any case, all the writ petitions filed by the wife of the deceased late Ajeet Singh have been 'dismissed as withdrawn' and all the applications were disposed of accordingly vide order dated 23.04.2025.

20. It is noteworthy that in Criminal Misc. Writ Petition No.3180 of 2024 (CRLP); Ranoo Singh Vs. State of U.P. and others, the present petitioner Rajesh Singh had filed impleadment application, which was rejected vide order dated 23.04.2025 (supra), therefore, the present petitioner feeling himself aggrieved from the order dated 23.04.2025, so far as his impleadment has been denied, sought similar relief before the Apex Court by filing petition bearing Writ Petition (Criminal) No.201/2025, Rajesh Singh Vs. State of UP & Anr., under Article 32 of the Constitution of India. The Hon'ble Supreme Court did not entertain the writ petition, however, granted liberty to the petitioner (Rajesh Singh) to file a fresh writ petition before this Court and it was directed in the disposal order, that if such a writ petition is filed, the same shall be considered on its own merit without being influenced by the rejection of the petitioner's application for impleadment in the writ petition filed before this Court, which has already been withdrawn. In the light of the aforesaid observation, the Hon'ble Supreme Court disposed of the aforesaid writ petition.

21. The petitioner filed the present first writ petition, but again did not assail the charge sheet nor filed any other petition before this Court challenging the charge sheet and has prayed the same identical relief, which was earlier prayed by the wife of late Ajeet Singh (Smt. Ranoo Singh).

22. This Court is unable to comprehend as to what is the *locus* of the present petitioner to file the present writ petition, when he is neither the "victim" in view of Section 2 (wa) of Cr.P.C. nor is a person aggrieved in any manner or a legal heir. Admittedly, The petitioner is uncle of the deceased late Ajeet Singh and even if the degree of closeness of relation

of the present petitioner with the deceased is considered, the wife is immediate victim and aggrieved, so the uncle cannot be placed above her. According to this Court, no doubt a restrictive meaning ought not to be given to the meaning of 'legal heir' as per Section 2(wa) of Cr.P.C., however, keeping in view the nature of criminal proceedings and the limited right available even to a complainant, once the criminal machinery has been set into motion, the meaning of "victim" has to be given a purposeful interpretation.

23. This Court finds that there is no definition of 'legal heir' under the Code of Criminal Procedure. However, there are stray mention of words like 'near relative', 'legal representative' in the said code, which can be construed to have cognate meaning to 'legal heir.' As far as the use of word 'near relative' is concerned, it has been mentioned under Section 394 of the Code of Criminal Procedure, relating to abatement of appeals. Here also, this Court finds that in the explanation appended to the said Section, 'near relative' has been given to mean a parent, spouse, lineal descendant, brother or sister. Further, as far as 'legal representative' is concerned, the same has been used under Section 320(4) (b) relating to compounding of offences, wherein it says 'legal representative' shall mean to be a person, as defined in the Civil Procedure Code, 1908. This Court finds that as per Section 2 (11) of the Civil Procedure Code, defines 'legal representative' to be a person who in law represents the estate of a deceased person, which brings the schedule incorporated as per Section 8 of the Hindu Succession Act, 1956 appended to the said Act relating to 'Class-I' and 'Class-II' heir into limelight. Interestingly, in both the cases, this Court finds that Uncle is a far away and/or distant relative and in a way does not find any place both under the meaning of the word 'near relative' or 'legal representative' mentioned in the Code of Criminal Procedure.

24. Thus, this Court ought to devise a mechanism which may be called as the 'closest legal heir test' to determine as to whether a particular person would come under the definition of 'legal heir' in terms of Section 2(wa) of Cr.P.C. or not, keeping in mind that the law has to

interpreted to ensure that the 'spirit of justice' prevails, recognizing the right to prosecute a legitimate grievance survives the victim, especially in serious cases, as the present one. According to the 'closest legal heir test', the closest or the proximate legal heir of the victim must outshine the next closer legal heir because the administration of justice does not warrant any dispute even on determining as to who would be the 'legal heir' to pursue the grievance of a victim, in pursuing a criminal case, which is fundamentally construed to be an offence against the society and therefore, it is the primary duty of the State to protect the right and interest of the victim.

25. Having said so, this Court is called upon to exercise its discretionary power in determining the legal heir of the victim in the present peculiar facts and circumstances. It is pertinent to mention herein that guardian by itself is a different class under the definition of Section 2(wa) Cr.P.C. relating to victim and as such, the same may not be mixed with the concept of legal heir, as they form a class by itself. As far as the present case is concerned, this Court finds that the wife of the victim, late Ajeet Singh (*i.e.* Ranoo Singh) is very much available and as such, as per the 'closest legal heir test', the right of the wife as a 'legal heir' outshines the right of an uncle, as wife is a more closer legal heir in the pedigree table, than an uncle. Therefore, the right of a wife to be a legal heir of the victim is at a higher pedestal than an uncle. The wife has admittedly withdrawn her all writ petitions seeking CBI investigation, therefore, the same relief now being sought by a far away legal heir *i.e.* uncle has to be seen with some circumspection and keeping in view of the historical facts of the present case as has been narrated in the preceding paragraphs can not be entertained in the absence of any authorization and/or N.O.C. from the wife.

26. Further, the present writ petition has not been filed in the nature of PIL, for which in any case this Court does not have the roster jurisdiction and when the learned counsel for the petitioner was given an option to pursue the relief sought in the present writ petition, the learned

counsel choose to press the present writ petition in its present form and prayed for disposal of the same in accordance with law.

27. Notably, this Court finds that much water has flown under the bridge after the writ petition, seeking similar relief had been withdrawn by the wife of the victim (deceased) after completion of the investigation, charge sheet has been filed, that charge sheet could have been assailed before this Court by filing a petition under Section 482 Cr.P.C. or in this writ petition also but admittedly, that charge sheet has not been assailed either by the wife of the deceased or by the present petitioner (if, at all, he claimed to come under the definition of legal heir of 'victim').

28. It has been informed by the learned Government Advocate that a number of witnesses of fact have already been examined before the learned Trial Court including the complainant in the trial arising out of FIR No.0015 of 2021 (supra) and the trial is going on smoothly and in full swing.

29. So far as the second writ petition is concerned, the complainant is one Shiv Netra Singh, Sub Inspector and allegations have been levelled against two accused persons, namely, Suresh Bahadur Singh and Dhananjay Singh. The petitioner is not the victim as the alleged crime is not distinctly affecting the petitioner or his family. In that case too, the investigation has been concluded and charge sheet dated 10.12.2022 has been submitted before the Court concerned. Thereafter, cognizance has been taken by the Chief Judicial Magistrate on 16.01.2023. Both the accused persons have been summoned. The aforesaid charge sheet and summoning order have been challenged before this Court by opposite party no.7 of the second writ petition, namely, Suresh Bahadur Singh bearing Application U/S 482 No.1009 of 2024 and this Court vide order dated 20.02.2024 has stayed the further proceedings of Criminal Case No.2842 of 2023 titled as "State Vs. Suresh Bahadur Singh", pending in the Court of Chief Judicial Magistrate, Lucknow arising out of FIR No.445 of 2020 (supra). Therefore, trial in the second writ petition

arising out of FIR No.445 of 2020 has been stayed and in a way this Court has already ceased of the said issue and the same is pending for consideration.

30. Sri Kapil Misra has tried to explain the reason behind filing of both the writ petitions by stating that Ex-Member of Parliament, Dhananjay Singh, is having close association with STF and the STF was the investigating agency, therefore, Dhananjay Singh was extended undue benefit by not filing charge sheet against him under some heavier Sections relating to murder and conspiracy and explained the fact that when the investigation was being conducted by the local police, Dhananjay Singh was declared proclaimed offender and a reward of Rs.25,000/- was announced against him for the charges punishable under Sections 302 & 120-B of IPC but on the eve of notification for Uttar Pradesh Assembly Elections 2022, the investigation was transferred to STF and that agency has submitted charge sheet against Dhananjay Singh in a bailable offence under Sections 212 & 176 IPC in FIR No.0015 of 2021 (supra).

31. Sri Kapil Misra has further submitted that had the investigation been transferred to CBI instead of STF, the correct facts and circumstances must have come into the notice and the culpability of Dhananjay Singh being instrumental to commit the murder of Ajeet Singh would have surfaced. He has further submitted that there are some instances when the local police did not extend any undue help to Dhananjay Singh or even Court did not pass any order in favour of Dhananjay Singh when he requested the Government security cover, but according to the learned counsel, the STF has provided all such favour to him from time and again. Sri Misra has also stated that Writ-C No.20672 of 2018 was filed by Dhananjay Singh to get the Government security cover and in that writ petition, some confidential documents were filed by Dhananjay Singh and those confidential documents belonged to the office of Inspector General of Police, STF, U.P., Lucknow, as this Court while disposing of the Writ-C No.20672 of 2018 has observed this fact. Therefore, apprehension of the petitioner cannot be overruled that if the

investigating agency was STF, who filed the charge sheet against Dhananjay Singh in minor sections, the trial pursuant to that FIR would not be concluded properly.

32. On the aforesaid submissions of Sri Kapil Mishra, Sri V.K. Singh, learned Government Advocate, has stated that in FIR No.0015 of 2021, the trial is going on and relevant fact witnesses are being examined and if during examination of any fact witness or formal witness, learned Trial Court finds the culpability of any person including Dhananjay Singh, appropriate order may be passed strictly in accordance with law. Sri V.K. Singh has further submitted that learned Trial Court has got ample power to alter or add the charge if it is so required in the interest of justice, at any stage before judgment is pronounced in view of Section 216 of the Code of Criminal Procedure, however, he requests that if any observation to that effect is issued by this Court, it may likely affect the trial. Therefore, any alteration of charge may be left to the learned Trial Court and in any case, a requisite application to that effect by the defence or the prosecution may be filed before the Trial Court at the appropriate stage.

33. Sri V.K. Singh has reiterated that in view of the aforesaid facts and circumstances, both the aforesaid writ petitions are misconceived for the simple reason that the petitioner has filed the aforesaid writ petitions having no proper *locus* to file those writ petitions when identical writ petition was filed by the wife of the deceased which was dismissed as being withdrawn; the present petitioner also does not come within the definition of “victim” under Section 2 (wa) Cr.P.C. and he did not assail the charge sheet in the writ petition or in the petition filed under Section 482 Cr.P.C. so far as FIR No.0015 of 2021 is concerned. According to him, when the investigation has already been concluded, charge sheet has been filed, charges have been framed against accused persons, trial is going on and the fact witnesses are being examined, at this stage, the relief so prayed ‘of transfer of investigation to CBI’ in the first writ petition may not be granted and the petitioner may provide relevant

information to the prosecution if he is having some important information, which are necessary for the trial in question.

34. So far as the second writ petition is concerned, Sri V.K. Singh has stated that in the aforesaid case, charge sheet arising out of Case Crime/ FIR No.445 of 2020 (supra) has been assailed before this Court by filing petition under Section 482 Cr.P.C. and further trial proceedings have been stayed, therefore, the second writ petition is also misconceived, rather the same has been rendered infructuous for all practical purposes. Therefore, Sri V.K. Singh, learned Government Advocate, has requested that both the writ petitions may be dismissed being misconceived.

35. Having heard learned counsel for the parties and having perused the material available on record, we are of the considered opinion that the victim in a criminal case is a person, who has suffered a loss or injury caused by an act or omission of the accused person and also includes his/her legal heir. In the present case, FIR No.0015 of 2021 has been lodged by the injured person, who was with the deceased at the time of incident in question wherein the investigation has been concluded and charge sheet has been filed. The wife of the deceased had rightly filed some writ petitions as she was a victim in view of Section 2 (wa) Cr.P.C. but she had withdrawn all the writ petitions, therefore, those writ petitions were dismissed by this Court being withdrawn. The present petitioner, who is uncle of the deceased, may not come within the purview of victim or legal heir of the deceased, as the wife outshines the uncle in the 'closest legal heir test' to be considered as legal heir in view of Section 2 (wa) of Cr.P.C.

36. In the case of **All India Democratic Women's Association Vs. State and Others, 1998 Cri. L.J. 2629**, Madras High Court ruled that in criminal proceedings, third parties can intervene only to the extent of assisting the prosecution. It was further held that if third parties are allowed to intervene in all criminal proceedings, then there will be a number of associations to represent one party or the other and this would give rise to chaos and confusion and stalling of criminal proceedings.

37. Further, in the case of **Shri P.V. Narshimharao Vs. State, 1997 Cri. L.J 3117**, Delhi High Court has held that a private party/third party has no role in the criminal proceeding instituted by the State. The petitioner is not even a private party. The main victim of the case has withdrawn herself from the proceedings and a new face in the name of the petitioner has come up for the first time to thwart the criminal proceedings/trial, which is in advance stage. The petitioner is a stranger to the present proceedings as it was held in the case of **Shri P.V. Narshimharao** (supra) that any such intervention cannot be allowed and the petition was rejected.

38. The order of transfer of investigation could have been passed when the Court finds that there is new material or evidence of sterling nature, which has been ignored by the investigating agency but in the present case, no such material or evidence has been shown to the Court and only apprehension has been shown to the effect that the main mastermind and allegedly the person to be instrumental in the said crime, who allegedly planned the murder of late Ajeet Singh is having close association with STF, the investigating agency, therefore, such investigation is not proper.

39. Notably, this is a highly stale prayer as the investigation in question culminated into the charge sheet/ supplementary charge sheet, which was filed before the competent Court on 05.04.2021, 21.06.2021, 31.03.2022, 04.02.2022, 24.05.2022 and finally on 20.08.2022. The aforesaid relief of the petitioner must have been prayed either during investigation or immediately after filing of the charge sheet. Though two writ petitions bearing Criminal Misc. Writ Petitions No.25544 of 2021 & 27624 of 2021 have been filed by the wife of the deceased in the year 2021 but before passing any appropriate order in the aforesaid writ petitions, the first writ petition bearing Criminal Misc. Writ Petition No.25544 of 2021 has been dismissed on 30.11.2022 after noticing the fact that charge sheet has been filed though liberty was given to the petitioner to challenge the charge sheet before the appropriate court of law but no such recourse has been adopted by the petitioner (Ranoo

Singh). To the contrary, she filed applications for withdrawal of all the writ petitions, which were filed by her, and those writ petitions have been 'dismissed as being withdrawn' by this Court on 23.04.2025. In any case, the trial is going on in the said FIR and number of fact witnesses have been examined by the learned Trial Court, therefore, if the apprehension of the wife of late Ajeet Singh or the present petitioner finds some material or evidence, they can always intervene in the trial proceedings to the extent of providing assistance to the prosecution, as per the provisions of Code of Criminal Procedure.

40. We are in full agreement with the observations of the Madras High Court in re; **All India Democratic Women's Association** (supra) that if third parties are allowed to intervene in all criminal proceedings, then there will be a number of associations to represent one party or the other and this would give rise to chaos and confusion and stalling of criminal proceedings. Therefore, the appropriate party/ parties either from defence side or from prosecution side may file appropriate application before the Trial Court to alter or add the charge(s), if there is any sufficient material or evidence of sterling nature and it is needless to say that those applications may be considered by the learned Trial Court strictly in accordance with law and the same may be disposed of in the interest of justice.

41. There is another aspect of the matter that inasmuch as any relief granted by this Court in the present petitions could tantamount to interfering in the already initiated criminal proceedings pending before the learned Trial Court. Having said so, this Court finds that the *locus standi* of the petitioner to file the present writ petition and interfere in pending criminal proceedings is absolutely negated. This Court finds that the High Court of Madras in the case of **Prisoners Rights Forum represented by its Director P. Pugalenthil Vs. High Court of Judicature at Madras, AIR 2014 MADRAS 246**, was faced with a similar situation wherein the said High Court held in that case that a person having no *locus standi* cannot interfere in the criminal legal proceedings. Further, a Full Bench of the Hon'ble Supreme Court in the

case of **Sanjai Tiwari Vs. State of U.P., 2020 SCC OnLine SC 1027**, on this issue, their Lordships have specifically laid down that a stranger to criminal proceedings has no *locus standi* to interfere. In this case, a social activist and an Advocate by profession has filed a petition before this Court seeking directions to learned Special Judge to expedite and conclude the pending trial against the appellant Sanjay Tiwari for offence under the IPC and PC Act and in that said petition, this Court had directed the Sessions Court to expedite the trial and conclude at the earliest, which order was assailed by the appellant before the Hon'ble Supreme Court. The Supreme Court has made the following observations, which makes for an interesting read:-

“11. It is well settled that criminal trial where offences involved are under the Prevention of Corruption Act have to be conducted and concluded at the earliest since the offences under the Prevention of Corruption Act are offences which affect not only the accused but the entire society and administration. It is also well settled that the High Court in appropriate cases can very well under Section 482CrPC or in any other proceeding can always direct the trial court to expedite the criminal trial and issue such order as may be necessary. But the present is a case where proceeding initiated by Respondent 2 does not appear to be a bona fide proceeding. Respondent 2 is in no way connected with initiation of criminal proceeding against the appellant. Respondent 2 in his application under Section 482CrPC in para 6 has described him as a social activist and an advocate.

42. Hence, in view of above, the *locus standi* of a stranger to interfere in criminal proceedings is absolutely limited. Thus, we have no hesitation in holding that the petitioner is not a victim as per the provisions of Section 2(wa) of the Cr.P.C. Further, the prayer of ‘transfer of investigation to the CBI’ is stale and technically infructuous as the investigation has not only started but stands already completed in both the FIRs and even trial has been commenced in the FIR No.0015/2021 and all the proceeding of the FIR No.445/2020 has been stayed by this Court. Further, the entire case has been premised on apprehension and no cogent evidence has been provided on record to entail any entertainment of such prayer by this Court. Most significantly, any relief granted at this stage would amount to interfering by a stranger to an

ensuing trial, which is not permissible under the provisions of Code of Criminal Procedure and specifically barred in view of the judgment of the Hon'ble Supreme Court.

43. For all the aforesaid reasons, we are not inclined to pass any order on the prayers of both the writ petitions, but liberty is given to the parties, as observed in the preceding paragraphs, to file requisite application before the learned Trial Court at appropriate stage, as per the provisions of Code of Criminal Procedure (now BNSS).

44. It is needless to say that if any appropriate application is filed before the learned Trial Court, as observed above, learned Trial Court shall consider and dispose of those applications without being influenced from any observation made by this Court in the present order.

45. With the above observations, both the writ petitions are **disposed of**.

46. There shall be no order as to cost(s).

(Abdhesh Kumar Chaudhary,J.) (Rajesh Singh Chauhan,J.)

December 18, 2025

RBS/-