

**Court No. - 42**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 10638 of 2024

**Petitioner :-** Lalita Yadav And Another

**Respondent :-** State Of Up And 2 Others

**Counsel for Petitioner :-** Shikhar Tandon

**Counsel for Respondent :-** Braj Mohan Singh,G.A.

**Hon'ble Vivek Kumar Birla,J.**

**Hon'ble Arun Kumar Singh Deshwal,J.**

1. Compliance affidavit filed on behalf of Circle Officer, Gauratha, Jhansi filed today is taken on record.

2. Supplementary affidavit filed today by learned counsel for the petitioner is also taken on record.

3. Supplementary counter affidavit filed today on behalf of learned counsel for the informant is also taken on record.

4. Heard Sri Shikhar Tandon, learned counsel for the petitioners, Sri Braj Mohan Singh, learned counsel appearing for the informant-respondent no. 2 and Sri Kuldeep Singh Chauhan, learned A.G.A. appearing for the State respondents.

5. Learned counsel for the petitioners is directed to implead District Magistrate, Jhansi and Senior Superintendent of Police, Jhansi as respondent nos. 4 and 5 respectively during the course of the day.

6. It is submitted that during the period as alleged the petitioner no. 1 was not posted at district Jhansi and although the petitioner no. 2 was posted during this period, however, the compensation to be paid to the informant-respondent no. 2 in all the cases were approved by a four members Committee in the light of Government Order dated 4.1.1983, therefore, no offence is made out against the petitioners.

7. On 12.8. 2024 following order was passed:-

"1. Specific allegation is that the informant is habitual of lodging such criminal prosecution simply for the purpose of getting compensation under the welfare scheme and as per the documentary evidence, he has taken at least Rs. 21,00,000/- upto now but according to information of the petitioner, the informant has taken a sum of Rs. 27,00,000/- upto now by lodging such first information reports against various persons.

2. It was highlighted that the informant had used his position as Senior

Assistant District Government Counsel at the time of lodging of the FIR although now he is no longer holding that post.

3. Learned A.G.A. may seek instructions in this regard.

4. Put up this case as fresh on 04.9.2024.

5. The details of various first information reports and the compensation given to the informant while working as Senior Assistant District Government Counsel should be specifically mentioned in the affidavit."

8. Pursuant to the aforesaid order the affidavit as noted above has been filed.

9. We find that prima facie this appears to be a glaring example of misuse of official post of A.D.G.C. (Criminal), however, no final finding is being recorded and it would be appropriate to that the entire matter be looked into by the respondent no. 1-State of U.P. through Secretary, Home personally and appropriate action / direction be issued on his behalf and this Court be informed as to what action has been taken in this matter.

10. This has come on record that during the period from the year 2014 to 2023 the respondent no. 2 has lodged 12 first information reports and out of which he has received compensation in 9 cases, therefore, this appears to be serious matter which requires personal attention of the respondent no. 1.

11. In such view of the matter, learned A.G.A. is directed to forward a copy of the entire record along with order of this Court to the respondent no. 1 as well as to the District Magistrate, Jhansi and Senior Superintendent of Police, Jhansi, who shall personally look into the entire record and shall take appropriate steps.

12. Matter requires consideration.

13. Put up this case as fresh on 21.10.2024.

14. Learned A.G.A. is directed to file affidavit on behalf of all three respondents, which shall clearly indicate that they have themselves personally gone through the record and what action they have taken in the matter.

15. Till the next date of listing the respondents are restrained from arresting the petitioners pursuant to the aforesaid FIR subject to cooperation in ongoing investigation.

**Order Date :- 4.9.2024/Lalit Shukla**