

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 16225 of 2023

Petitioner :- Bhagirath Singh

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- P.K. Upadhyay, Kalpna Upadhyay

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Shri Anoop Trivedi, learned Senior Counsel assisted by Shri P.K. Upadhyay, learned counsel for the petitioner and Shri G.P. Singh, learned AGA for the State-respondents.
2. The present writ petition has been filed challenging the impugned F.I.R. dated 04.10.2023, registered as Case Crime No. 1008 of 2023, under Sections 13(1)(b), 13(2) of Prevention of Corruption Act, 1988, Police Station Kotwali Sahar, District Bijnor.
3. The prosecution case is that the petitioner has acquired disproportionate assets while working in a class IV employee in the Food Safety Drugs Department Uttar Pradesh. Before registration of impugned F.I.R. a Departmental inquiry was conducted against the petitioner where it was revealed that the petitioner has acquired 88.74% more disproportionate assets in comparison to his own source of income.
4. Learned counsel for the petitioner submits that no previous sanction has been obtained by the prosecution before registration of the impugned F.I.R. against the petitioner and the petitioner has been exonerated in the Departmental inquiry of the charges of corruption. The petitioner has further submitted that Writ C No. 61430 of 2016 is pending disposal before this Court dealing with the same issue and thus registration of impugned F.I.R. is manifestly abuse of the process of law and the same has been registered to settle private scores.
5. *Per contra*, learned AGA submits that petitioner has acquired 88.74 % above his own source of income. He submits that investigation is under progress and there are serious allegations of corruption against the petitioner, who is class IV employee and have purchased numerous of property without taking prior approval from the Department at different places of District

Bijnor.

6. Admittedly, the petitioner was appointed as Class IV employee in 1997 and presently working as Aushadhi Anusevak in the Food and Drugs Department District Bijnor. It is also revealed during Departmental Inquiry that the petitioner has purchased three plots in his name and six properties in his wife's name without taking prior approval from the Department. Without forming any opinion about the truthfulness of the contents of the impugned F.I.R. and genuinity of the findings of the inquiry report, *prima facie*, this Court is of the opinion that ingredients of cognizable offence are made out on reading of the contents of the impugned F.I.R. and examination of material on record.

7. The petitioner has failed to bring this case within the parameter of **State of Haryana and others vs. Bhajan Lal and others, 1992 Supp. (1) SCC 335** and thus petition lacks merit therefore, the petition is **dismissed**.

Order Date :- 26.10.2023

Ujjawal