

**Court No. - 34**

**Case :-** WRIT - A No. - 18434 of 2023

**Petitioner :-** Abhishek Porwal

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

**Counsel for Petitioner :-** Amrit Mishra,Avanish Mishra

**Counsel for Respondent :-** C.S.C.

**Hon'ble Ajit Kumar,J.**

1. Heard learned counsel for the parties and perused the record.
2. By means of this petition filed under Article 226 of the Constitution, petitioner has questioned the charge-sheet on the ground that charges have been levelled on the basis of allegations made in the first information report lodged in connection with Case Crime No.0018 of 2022 under Sections 354(d), 323, 506 IPC.
3. It is submitted by the learned Advocate appearing for the petitioner that in light of the judgment of the Apex Court in the case of **M. Paul Anthony vs. Bharat Gold Mines Ltd. & anr** reported in **1999 (3) SCC 679**, the disciplinary authority must await the decision of the judicial/criminal trial. He submits that in view of para 492 of UP Police Regulations, petitioner is entitled to protection by this Court in so far as criminal proceedings are concerned.
4. Lenard Standing Counsel, on the contrary, submits that the petitioner may approach the competent authority in the matter at the first instance, who may examine this aspect of the matter being advanced before this Court.
5. In view of the above, this petition stands disposed of with the direction that in the event petitioner prefers an application/representation within three weeks before the disciplinary authority raising the plea that charge-sheet is based upon the same allegations as made in connection with criminal case (supra), the departmental proceedings be stayed in view of the provisions contained under Regulation 492 of the UP Police Regulations, the same shall be disposed of within further period of one month on its own merit before the authority proceeds further in the matter of departmental inquiry pursuant to the charge-sheet dated 02.11.2022/15.11.2022.

**Order Date :-** 2.11.2023

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