

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8100 of 2023

Petitioner :- Ashok Kumar Srivastava

Respondent :- State Of U.P. Thru. Prin. Secy. Home U.P. Lko. And Others

Counsel for Petitioner :- Abhishek Yadav, Archana Yadav, Sunil Kumar Maurya

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Karunesh Singh Pawar, J.

1. Heard learned counsel for the petitioner and learned A.G.A. for the State-respondents.

2. This petition has been filed with the following main prayer:-

"I. Issue a writ, order or direction in the nature of certiorari thereby quashing the impugned first information report lodged by the respondent No. 5 dated 02/09/2023 in Crime No. 05/19/2023 u/s 13(1)(b), 13(2) of Prevention of Corruption Act, 1988, Ps: Gomti Nagar, District: Lucknow East (Commissionerate Lucknow). As contained in Annexure No.1 to the writ petition.

II. Issue a writ, order or direction in the nature of mandamus commanding the respondent No. 2 to 4, not to arrest or adopt any coercive measures against the petitioner on the basis of impugned first information report lodged by the Respondent No. 5 dated 02/09/2023 in Crime No. 0519/2023 u/s 13(1)(b), 13(2) of Prevention of Corruption Act, 1988, Ps: Gomti Nagar, District: Lucknow East (Commissionerate Lucknow), in respect of petitioner, as contained in Annexure No.1 to the writ petition."

3. This Court had perused the F.I.R. and finds that it has been lodged after due investigation/open vigilance inquiry. The State Government had issued a letter under the signature of Under Secretary, Anusachiv Grih (Gopan) Anubhag-3 on 23.09.2021 by which a

direction was issued to get the F.I.R. lodged under Section 13(1)(b) and Section 13(2) of the Prevention of Corruption Act against the petitioner for possession of disproportionate assets more than his known sources of income. The petitioner is working as a Class IV employee in LDA on the post of Beldar.

This Court having gone through the F.I.R., finds no good ground to show interference. The writ petition is dismissed.

Order Date :- 18.10.2023

Saurabh Yadav/-