



2025:AHC-LKO:84203-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. WRIT PETITION No. - 11426 of 2025

Jay Prakash Mishra

.....Petitioner(s)

Versus

State Of U.P. Thru. Secy. Deptt. Of Home Lko.
And Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ripu Daman Shahi, Dinesh Kr. Chaudhary
Counsel for Respondent(s)	:	G.A.

Court No. - 11

HON'BLE ABDUL MOIN, J.

HON'BLE MRS. BABITA RANI, J.

1. Heard learned counsel for the petitioner and learned A.G.A. for the respondents-State.
2. There is consensus at bar that the facts of the case have already been noted in the order dated 10.12.2025. For the sake of convenience the order dated 10.12.2025 is reproduced hereunder:-

"1. Heard learned counsel for the petitioner and learned A.G.A. appearing for the respondents No.1 & 2.

2. The contention of the learned counsel for the petitioner is that from a perusal of the impugned F.I.R., it emerges that certain embezzlement of funds pertaining to Mid Day Meal has taken place.

3. The contention is that even though the name of the petitioner has been indicated in the impugned F.I.R. yet there is no role of the petitioner and the petitioner has unnecessarily been roped in the said F.I.R.

4. On the other hand, learned A.G.A. on the basis of instructions fairly states that in the inquiry which has been conducted by the District Basic Education Officer, Balrampur dated 24.11.2025, no role of the petitioner has emerged. However, in the instructions which have been sent by Shri Manoj Kumar Singh, In-charge Inspector, Thana Kotwali Nagar, District

Balrampur dated 05.12.2025, the connivance of the petitioner Jai Prakash Mishra, the Gram Pradhan as well as the Principal Ashok Kumar Gupta has clearly emerged per which they have embezzled an amount of appx. Rupees Thirty Four Lakhs and odd.

5. It is not understood that when in the inquiry conducted by the District Basis Education Officer, Balrampur, no role of the petitioner has emerged as to on what basis the investigating officer has arrived at the said finding of the petitioner being involved in the embezzlement of the funds.

6. Upon the same being pointed out, the learned A.G.A. prays for and is granted two days' time to seek specific instructions as to how the role of the petitioner has emerged in the embezzlement of the funds.

7. List this case on 12.12.2025 in the list of backlog fresh cases."

3. Today, learned A.G.A. on the basis of instructions sent by Shri Manoj Kumar Singh, Inspector Kotwali Nagar, Balrampur dated 11.12.2025 states that the excess funds have been taken out on the basis of a cheque that was jointly signed by the Head Master and the petitioner, in the capacity of being the Village pradhan. The amount indicated is Rs.58 Lakh and odd, which has been embezzled. Aforesaid amount is also said to be astronomical amount which cannot be said to be concerned with a particular school.

4. Responding learned counsel for the petitioner has placed reliance on the judgment of the Hon'ble Supreme Court in the case of **Mohammad Wajid & Anr vs State of U.P. & Ors : 2023 INSC 683** more particularly paras 5 & 33 of the said judgment to indicate that as no date, time or occurrence of the said embezzlement has been mentioned in the FIR consequently the FIR itself merits to be quashed outrightly on this ground alone.

5. Aforesaid argument of the learned counsel for the petitioner is found to be patently misconceived and outrightly rejected. A perusal of the judgment of the Hon'ble Supreme Court in the case of **Mohammad Wajid (supra)** indicates that Hon'ble Supreme Court in the said judgment has

considered that the alleged incident which led to lodging of the FIR is said to have occurred in the year 2021 and the FIR has been lodged in the year 2022 in which no date and time of the alleged incident has been stated. However, Hon'ble Supreme Court after recording the aforesaid has itself indicated in para 33 of the judgment that delay in the registration of the FIR by itself cannot be a ground for quashing of the FIR but delay with other attending circumstances emerging from the record of the case rendering the entire case put up by the prosecution inherently improbable, may at times become a good ground to quash the FIR and consequential proceedings.

6. In the instant case, though admittedly neither any date nor the time of the alleged incident has been indicated rather learned counsel for the petitioner states that the FIR has been lodged after a period of almost 4 years of the alleged incident yet from the inquiry which has been conducted both by the Basic Education Officer as well as subsequently by the Investigating Officer it has clearly emerged that an astronomical amount of Rs.58 Lakh and odd has been withdrawn on the basis of joint signatures on the cheque as made by the Head Master and the petitioner. Aforesaid amount could validly not have been drawn as the same is a huge amount which cannot be said to pertain to a particular school more particularly pertaining to mid day meal.

7. At this stage, learned counsel for the petitioner states that he has also received a letter from the office of the District Magistrate. However, the same is not on record.

8. Keeping in view the aforesaid discussion more particularly when during the course of investigation it has clearly emerged that an astronomical amount of Rs.56 Lakh and odd has been withdrawn from the account by the joint signatures of the petitioner as well as Head Master consequently no case for interference is made out. The writ petition stands ***dismissed***.

(Mrs. Babita Rani,J.) (Abdul Moin,J.)

December 16, 2025

prateek