2026:AHC:208047-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 5809 of 2025

Amit Kumar Dixit

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Abhishek Bhushan, Arpan Srivastava
Counsel for Respondent(s)	:	G.A.

Court No. - 47

HON'BLE RAJEEV MISRA, J.
HON'BLE JAI KRISHNA UPADHYAY, J.

1. Case called out in revised list.

2. Even though the names of Mr. Abhishek Bhushan and Mr. Arpan Srivastava are duly published in the cause list as counsel for petitioner, but neither they nor anyone on their behalf is present to press the present writ petition even in revised call.

3. Learned A.G.A. representing State-respondents 1 and 2 is present.

4. Perused the record.

5. Petitioner Amit Kumar Dixit has approached this court by means of present criminal miscellaneous writ petition challenging the FIR dated 21.12.2024 lodged by first informant Jata Shankar Singh and registered as Case Crime No. 0017 of 2024, under Sections 13 (1) (b) and 13 (2) of Prevention of Corruption Act, 1988, Police Station Anti Corruption, Kanpur, District Kanpur Nagar.

6. Present writ petition came up for admission on 10.04.2025 and this court passed the following order:-

"1. Heard learned counsel for the petitioner and learned A.G.A for the State.
2. There is allegation against the petitioner that his expenditure vis-a-vis his earnings was found to be 25.11 percent more.
3. Counsel for the applicant submits in his explanation of the aforesaid amount has been given in paragraph nos. 19, 20 and 21 of the writ petition.
4. Matter requires consideration.
5. Issue notice to respondent no. 3.

6. Steps be taken within a week.

7. All the respondents may file counter affidavit within period of four weeks. Petitioner may file rejoinder affidavit within two weeks.

8. List this case after six weeks.

9. Till the next date of listing or cognizance is taken by court on police report submitted under Section 173(2) Cr.P.C., whichever is earlier, the respondents are restrained from arresting the petitioner pursuant to the First Information Report dated 21.12.2024, registered as Case Crime No. 0017 of 2024, under Section- 13(1)(b) and 13(2) of Prevention of Corruption Act, 1988, Police Station- Anti Corruption Kanpur, District- Kanpur Nagar, subject to cooperation in ongoing investigation."

7. On the matter being taken up, the learned AGA has raised a preliminary objection by contending that the first informant Jata Shankar Singh has not been impleaded as a party respondent in present writ petition. In view of the law laid down by Apex Court in the case of **Udit Narayan Singh versus Additional Member Board of Revenue AIR 1963,** the first informant is a necessary and proper party in present criminal writ petition. Since the first informant has not been impleaded as a party respondent in present writ petition, even though he is a necessary and proper party, therefore instant writ petition suffers from the vice of non-joinder of necessary and proper party. As a result, this writ petition fails and is accordingly **dismissed.**

8. Interim order if any shall stand vacated.

October 5, 2026
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(Jai Krishna Upadhyay,J.) (Rajeev Misra,J.)

Digitally signed by :-
ASHOK KUMAR TRIPATHI
High Court of Judicature at Allahabad