

**Court No. - 47**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 18130 of 2022

**Petitioner :-** Achchhey Lal Maurya @ Akshay Kumar Maurya

**Respondent :-** State Of U.P. And 3 Others

**Counsel for Petitioner :-** Sanjay Kumar Singh, Anirudh Singh

**Counsel for Respondent :-** G.A.

**Hon'ble Mahesh Chandra Tripathi, J.**

**Hon'ble Nalin Kumar Srivastava, J.**

Heard learned counsel for the petitioner and the learned AGA.

The relief sought in this petition is for quashing of the F.I.R. dated 8.9.2022 registered as Case Crime No.0167 of 2022 under Section 409 IPC, Police Station Maniyar, District Ballia. Further prayer has been made not to arrest the petitioner in the aforesaid case.

The petitioner, who is working as Assistant Development Officer (Industry and Bussiness), Block Garwar, District Ballia, has challenged the first information report on the ground that a complaint was made by one Sachchida Nand Singh on 25.1.2021 regarding certain irregularities in the construction under Swaksh Bharat Mission and Pradhan Mantri Avas Yojna. The said complaint is brought on record as Annexure-2 to the writ petition wherein he has made complaint regarding certain construction in the years 2016-2017 and 2019-2020. In these backdrop, learned counsel for the petitioner states that the petitioner was posted at the place of alleged construction w.e.f. 21.8.2018 to 21.2.2019. As such he has no complexity in the irregularities highlighted by the complainant. It is further submitted that a fact finding enquiry was constituted by the Khand Vikas Adhikari, District Ballia and consequently show cause notice was given to the erring employees on 15.11.2021 but petitioner has not been served with any show cause notice. Learned counsel for the petitioner refers to the order dated 17.8.2022 passed in Writ - C No. 16077 of 2022, which has been preferred by the complainant, wherein instructions have been called by the learned AGA regarding the status of the enquiry initiated in pursuance of the order dated 20.12.2021. Consequently, the first information report has been lodged. Learned counsel for the petitioner states that till date neither any show cause notice is given to the petitioner in the said proceeding nor any departmental proceeding has been initiated against him and in most arbitrary manner the first information report has been lodged against the petitioner. The alleged

offence is not made out against the petitioner.

Learned AGA states that investigation in the matter is in progress.

The matter requires consideration.

Issue notice to the respondent No. 4 returnable at an early date. Steps be taken within a week.

All the respondents may file counter affidavit within six weeks. Petitioner shall have two weeks thereafter to file rejoinder affidavit. List immediately thereafter.

Considering the facts and circumstances of the case, as briefly discussed above, as an interim measure, till the next date of listing or till submission of police report u/s 173(2) Cr.P.C., whichever is earlier, the petitioner shall not be arrested pursuant to the impugned First Information Report, provided he cooperates in the investigation.

**Order Date :- 13.12.2022**

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