

6/12/23

20



WhatsApp
Through E-mail only

1

From: Registrar General
High Court of Judicature at
ALLAHABAD

To: All the District Judges
State of Uttar Pradesh

No. : 12359/RC (Civil)

Dated: December 04, 2023

Subject: CRIMINAL MISC. WRIT PETITION No. - 14349 of 2023 - Manish Kumar Singh Vs. State of U.P. and 2 others.
With
CRIMINAL MISC. WRIT PETITION No. - 14783 of 2023 - Smt. Pushpa Nishad and another Vs. State of U.P.
and 2 others.
With
CRIMINAL MISC. WRIT PETITION No. - 14459 of 2023 - Vinod Kumar Saroj Vs. State of U.P. and 2 others.

Sir/Madam,
In the above mentioned case, the Hon'ble Court (Hon'ble Vivek Kumar Birla & Hon'ble Vinod Diwakar, J.J.)
vide order dated 29.11.2023 has been pleased to direct as follows:

".....
32. A copy of this order be sent to all District Judges, who should then circulate it amongst all Magistrates, Civil Judges, and Chief Judicial Magistrates concerned. They are responsible for ensuring strict adherence to Regulation 122 (iii) of the U.P. Police Regulations, 2001. The respective judicial officers should also ensure compliance with the directives outlined in paragraph 30 of this order and shall take into account the endorsement provided by the Commissioner of Police/Senior Superintendent of Police/Superintendent of Police before taking cognizance of the matter.
.....
40. The Registrar (Compliance) of this court is directed to do the needful at the earliest for compliance of the terms of the order."

While enclosing herewith a true copy of the order dated 29.11.2023, you are requested to kindly circulate it amongst all Magistrates, Civil Judges, and Chief Judicial Magistrates concerned to ensure necessary compliance of the above order in its letter and spirit, strictly as per the direction of the Hon'ble Court, under intimation to the undersigned

With regards,

Yours faithfully

Anoop Kumar Rai
4/12/2023

(Anoop Kumar Rai)
Registrar (Compliance)
for Registrar General

Encl: As above

Copy forwarded for information and necessary action to :

Joint Registrar (Judicial), High Court, Allahabad.

Registrar (Compliance)
for Registrar General

Seen, circulate among all judicial officers for compliance through system officer

[Signature]
5-12-23

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
CIVIL SIDE
ORIGINAL JURISDICTION

DATED ALLAHABAD THE : 29.11.2023

PRESENT

THE HON'BLE VIVEK KUMAR BIRLA, JUDGE.
THE HON'BLE VINOD DIWAKAR, JUDGE.

CRIMINAL MISC. WRIT PETITION NO.14349 OF 2023
With
CRIMINAL MISC. WRIT PETITION NO.14783 OF 2023
With
CRIMINAL MISC. WRIT PETITION NO.14459 OF 2023

ORDER ON THE PETITION OF MANISH KUMAR SINGH
..... **Petitioner.**

IN RE:

Manish Kumar Singh S/o Balwant Singh R/o 29/401 Malhar, Sahara
Estate Jankipuram, District Lucknow. Presently posted as Assistant
Programme Officer, Block Sikrara, Tehsil- Sadar, District – Jaunpur.
..... **Petitioner.**

VERSUS

1. State of U.P. through Principal Secretary, Department of Home, U.P.
Lucknow.
 2. S.H.O. - Sujanganj, District- Jaunpur.
 3. Shyam Narayan Chaturvedi, Block Development Officer, Sujanganj,
Jaunpur.
- **Respondents.**

Counsel for the Petitioner : Dr. C.P. Upadhyay, Sri Kumar Gaurav.

Counsel for the Respondents : G.A., Sri Purushottam Upadhyay,
Sri Suraj Kumar.

BY THE COURT

(Delivered by Hon'ble Vinod Diwakar, J.)

U
|

Neutral Citation No. - 2023:AHC:225526-DB

A.F.R.

Reserved on: 16.10.2023

Delivered on: 29.11.2023

Court No. - 45

Case : CRIMINAL MISC. WRIT PETITION No. - 14349 of 2023

Petitioner :- Manish Kumar Singh

Respondent : State Of U.P. And 2 Others

Counsel for Petitioner : Dr. C.P. Upadhyay, Kumar Gaurav

Counsel for Responden:- G.A., Purushottam Upadhyay, Suraj Kumar

With

Case :- CRIMINAL MISC. WRIT PETITION No. - 14783 of 2023

Petitioner : Smt. Pushpa Nishad And Another

Respondent : State Of U.P. And 2 Others

Counsel for Petitioner : Dr. C.P. Upadhyay, Kumar Gaurav

Counsel for Respondent : G.A.

With

Case :- CRIMINAL MISC. WRIT PETITION No. - 14459 of 2023

Petitioner : Vinod Kumar Saroj

Respondent : State Of U.P. And 2 Others

Counsel for Petitioner : Dr. C.P. Upadhyay, Kumar Gaurav

Counsel for Respondent : G.A., Purushottam Upadhyay, Suraj Kumar

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

(Delivered by Hon'ble Vinod Diwakar, J.)

1. We have heard Dr. C.P. Upadhyay, along with Shri Kumar Gaurav, learned counsel for the petitioners and Shri Rajesh Kumar Madhesia, learned State Law Officer, for the State-respondents.
2. The present petitions have arisen from the impugned First Information Report dated 21.08.2023, registered as Case Crime No.178 of 2023, under sections 409, 419, 420 IPC at Police Station- Sujanganj, District Jaunpur, in which the petitioners, namely Manish Kumar Singh, Smt. Pushpa Devi, Jawahar Lal and

Vinod Kumar Saroj have been arrayed as accused along with one Sanjay Kumar Chauhan- who has not come before this Court. The petitioners are aggrieved by the registration of the impugned FIR and, therefore, approached this Court with twofold prayers: (i) quashing the impugned FIR and (ii) a stay of arrest.

3. The prosecution case is that on the complaint of some public representatives, the District Administration noticed certain irregularities in constructing Amrit Sarovar in District Jaunpur, Uttar Pradesh- A Central Government initiative to construct ponds in rural areas of India. On receipt of a complaint (reference may be invited to *Annexure-5*) of the Project Director, District Rural Development Agency (DRDA), District Jaunpur, a three-member committee comprising (i) Project Director, DRDA (ii) Assistant Engineer, Minor Irrigation Department (iii) Mining Inspector was constituted to look into the irregularities flagged in the preliminary enquiry. The Project Director completed the inquiry and observed that the then-concerned Secretary, Pradhan, Assistant Programme Officer (APO), Lekhakar and Rojgar Sewak were found involved in the execution of work amounting to Rs.15,57,790/- in defiance of the provisions of Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MGNREGA). Based on the finding of the Inquiry Committee dated 19.08.2023, the impugned FIR was registered against the petitioners.

4. The gist of the submissions raised by the respective counsel for the petitioners are as follows; that the Project Director, DRDA, has falsely implicated the petitioners, who were inimical with Manish Kumar Singh, who had made a complaint dated 22.06.2023 to C.D.O. Jaunpur against him. The petitioners are innocent, and no offence, as alleged in the impugned FIR, is made out against the petitioners. The allegations are inherently

unreliable, manufactured and have no iota of truth. He further contends that the Inquiry Committee Report dated 19.08.2023 is vitiated under the law because of the accentuate reasons: (i) all three members have not signed the report; (ii) the Inquiry Officer concluded the report within 24 hours without obtaining the signature of Assistant Engineer, who was one of the members of Inquiry Committee; (iii) no show cause notice was given to the petitioners, or no technical assistance was obtained by the Inquiry Committee besides other reasons as thus mentioned in the grounds of the writ petition.

5. Learned counsel for the petitioners further submits that: (i) the petitioner- Manish Kumar Singh- in Criminal Misc. Writ Petition No.14349 of 2023 has no role in the commission of the alleged offence as his job was to supervise the work and submitting work reports to P.O./B.D.O. The petitioner has no power to forward a proposal to sanction the project; (ii) In the case of petitioner Pushpa Devi, she was the Pradhan of village Pyarepur, Block- Sujanganj, District Jaunpur, whereas, petitioner- Jawahar Lal was the Gram Rojgar Sewak- both are petitioners in Criminal Misc. Writ Petition No.14783 of 2023, and has no role in the execution of the work and release of payments, (iii) Petitioner-Vinod Kumar Saroj- sole petitioner in Criminal Misc. Writ Petition No.14459 of 2023 was Village Development Officer of Block Sujanganj and, as such, had no role in alleged financial and procedural irregularities.

6. Shri Suraj Kumar, learned counsel for the Caveator, has put in an appearance on behalf of the villagers- the aggrieved party. The counsel for the petitioners vehemently opposed the appearance of Shri Suraj Kumar, but we deemed it appropriate not to give much importance to such objections by the counsel for the

petitioners, as *things speak for themselves* in such cases and we are of the opinion that his assistance is not required at this stage.

7. *Per contra*, learned A.G.A. submits that while working as a public servant, the petitioners, in collusion with each other, have usurped an amount of Rs.15,57,790/- after preparing forged documents. In the inquiry conducted by the Project Director, the petitioners have been, *prima facie*, found involved in creating forged documents and executed the work in violation of the *MGNREGA Scheme*. Learned AGA further submits that JCB machines and tractors did the digging of the pond in violation of the *MGNREGA* guidelines, the financial approval for the said project was found to be fake and was against the rules, the concerned work was not found endorsed on the muster roll, the Gram Rojgar Sewak did not countersign the muster role and the Block Development Officer informed that the file was not placed before him for approval and sanction of the project.

8. Learned A.G.A. further contends that the impugned FIR was registered on 21.08.2023, and thus, the investigation is at the nascent stage. The misappropriated/usurped money is yet to be recovered, if any, and the Investigating Officer shall also ascertain the role of other suspects. Before delving into the particulars of the present case, it is prudent to engage in a thoughtful discourse regarding the ramifications of corruption within government-administered programs designed to aid socio-economically disadvantaged segments of society

9. Corruption by public officers in the execution of schemes for rural development in India, particularly in the context of a programme like *MGNREGA*, has significant effects on the intended outcomes and the well-being of the rural population. The central idea of giving work to the labourer is to create

employment with the intended objectives of poverty alleviation and rural infrastructure development. The corrupt officials who engage in fraudulent activities make it difficult to trace the flow of funds and resources if investigations are delayed.

10. Corruption in such schemes erodes the trust of the rural population in government institutions and schemes. When people perceive that these programs are riddled with corruption, they may become less willing to participate, reducing the effectiveness of these initiatives desired outcome may not be achieved.

11. Nevertheless, the petitioner has challenged the registration of impugned FIR against the public servant on technical grounds, specifically related to the nature of the job and task assigned to the public servants, as well as the process followed for awarding the work and granting approval for the disbursement of funds to the labourers. Additionally, other grounds have also been raised in their respective petitions. At this stage, it's instructive to relook at the law settled by the Supreme Court in numerous cases pertaining to quashing of FIR. For the sake of clarity, we would revisit certain judgments in this regard.

12. The efficiency and accuracy of writing a FIR are of utmost importance because it can have a profound impact on the administration of justice and the safeguarding of individuals' rights. It is indeed settled that a well-written FIR should encompass all essential details, including date, time, location, nature of the offence, names and addresses of the parties involved and a statement of the complainant forming ingredients of cognizable offence, *albeit* the FIR is not an encyclopaedia disclosing all the facts and details relating to the offence.

13. The acronym FIR, or the First Information Report, is neither defined in the Code of Criminal Procedure Code, 1973 (hereinafter referred to as the Criminal Code) nor used therein, although it refers to the information relating to the commission of a cognizable offence. This information, if given orally to an officer in charge of the police station, is mandated to be reduced in writing. Information to be recorded in writing need not be necessarily by an eye-witness and, hence, cannot be rejected merely because it is hearsay. Section 154 Cr.P.C. does not mandate nor is this requirement manifest from other provisions of the Criminal Code. Further, FIR is not meant to be a detailed document containing a chronicle of all intricate and minute details¹.

14. In *Lalita Kumar*², a Constitution Bench of 5-judges of this Court has held that Section 154 of the Criminal Code, in unequivocal terms, mandates registration of FIR on receipt of all cognizable offences, subject to exceptions in which case a preliminary inquiry is required. The Constitution Bench referring to the decision of this Court in *Tapan Kumar Singh*³ reiterated that the FIR is not an encyclopaedia disclosing all facts and details relating to the offence. The informant who lodges the report of the offence may not even know the name of the victim or the assailant or how the offence occurred. He need not necessarily be an eye-witness. What is essential is that the information must disclose the commission of a cognizable offence, and the information must provide the basis for the police officer to suspect the commission of the offence. Thus, at this stage, it is enough for the police officer, on receipt of the information, suspects— though he may

1 *Amish Devgan v. Union of India*, (2021) 1 SCC 1

2 (2008) 14 SCC 337

3 *CBI v. Tapan Kumar Singh*, (2003) 6 SCC 175

not be convinced or satisfied— that a cognizable offence has been committed, for registration of FIR.

15. Truthfulness of the information would be a matter of investigation, and only there upon the police can report on the truthfulness or otherwise. Importantly, in *Tapan Kumar Singh (supra)*, it was held that even if the information does not furnish all details, the investigating officer must find out those details during the investigation and collect necessary evidence. Thus, the information disclosing the commission of a cognizable offence only sets in motion the investigating machinery to collect the necessary evidence and, after that, act according to the law.

16. The true test for a valid FIR, as laid down in *Lalita Kumari (supra)*, is whether the information furnished provides reason to suspect the commission of an offence to the police officer concerned, who is empowered under Section 156(1) of the Code of Criminal Procedure, 1973 to investigate. The questions as to whether the report is true, whether it discloses full details regarding the manner of occurrence, whether the accused is named, or whether there is sufficient evidence to substantiate the allegation are unrelated to determining whether the report discloses the commission of a cognizable offence. As per clauses (1) (b) and (2) of Section 157 of the Criminal Code, a police officer may foreclose an FIR before investigation, if it appears to him that no ground is made out at its face value to investigate. At the initial stage of the registration of FIR, the law mandates that the officer can start an investigation when he has reason to suspect the commission of the offence. The requirements outlined in Section 157 are higher than the requirements of Section 154 of the Code. Further, a police officer in a given case, after investigation, can file a final report seeking closure of the matter.

17. In *Bhajan Lal*⁴, the Supreme Court formulated guidelines to ensure that the power to quash FIR is exercised sparingly and judiciously by the High Courts and the Supreme Court to prevent the misuse of the legal process and protect individuals from vexatious and malicious prosecution. FIR can be quashed in certain circumstances, and these circumstances include cases where the FIR is found to be an abuse of the legal process, registered with ulterior motives, or where it does not disclose the commission of a cognizable offence. It's crucial to consider whether the allegations, even when taken at face value, do not constitute an offence. Additionally, FIR lodged to settle personal or commercial vendettas without involving larger public interests can be considered for quashing. *Bhajan Lal (supra)* has been a significant reference point in criminal jurisprudence when it comes to the quashing of FIR.

18. In consideration of the judgments discussed above, we express our concern regarding the frequent filing of frivolous petitions in this Court. These petitions even arise when preliminary inquiries are conducted by the department against errant government officers, leading to the registration of FIRs. Unfortunately, investigations tend to languish for an extended period, which is detrimental to the administration of criminal justice. Such petitions are often filed either immediately after the FIR is registered, as in the present case, or when investigations are needlessly prolonged. This Court's docket is consistently filled with such frivolous cases on a daily basis.

19. Such matters have serious ramification on government institutions and society as a whole. An FIR based on a preliminary enquiry conducted by the government department helps speedy

⁴ *State of Haryana and others v. Bhajan Lal and others, (1992) Supp. (1) SCC 335*

investigation, especially when prepared and lodged by government officers who are expected to have a good understanding of the law and, if not, have access to a dedicated cadre of prosecutors, along with experienced investigators, which is essential for establishing a fair and efficient criminal justice system. This system should meet the requirements of the public expectation and uphold the fundamental principles of justice and accountability.

20. The essence of the rule of law vitality is grounded in the distinctive synergy between administrative accountability and active court engagement. As the judiciary navigates the intricate legal terrain inherent in the administration of justice, it becomes manifest that the robustness of accountability mechanisms and the vitality of court engagement are imperative for the flourishing of the rule of law, harmonized with constitutional morality.

21. In the context of fostering the rule of law, the courts play a pivotal role as they inspire the confidence of the common man in establishing a transparent and accountable government. However, it is crucial to acknowledge that the responsibility to nurture and safeguard democratic principles extends beyond the judiciary to encompass all branches of the government. The interplay among these organs of the state is instrumental in cultivating the common man's faith in the principles of good governance. Therefore, the vitality of the rule of law is contingent upon the collaborative efforts and commitment of all government branches to uphold accountability, transparency and constitutional morality, making the foundation for just and accountable administration.

22. We have also observed that following registration of the FIR by the government department, the investigations often linger for years, affording the accused the chance to tamper with the

evidence or providing opportunities for the accused/ suspects to obstruct the course of justice. Work efficiency and work culture also adversely affect in the government department because of long pending investigations. The consequences of delay in the investigation may lead to loss of evidence, injustice to the victim, increased costs, public distrust; suspects may have the opportunity to commit repeated crimes, to more individuals at least, excessive pre-trial detention, injustice to victims and may also compromise the fairness of the trial. In essence, expeditious and effective police investigations are essential for safeguarding society, ensuring justice, and upholding principles of natural justice. Therefore, efforts to improve the efficiency of investigation and reduce delays are crucial for maintaining the integrity and effectiveness of administration of the criminal justice system.

23. It is not necessary to refer to all Supreme Court's decisions articulating the Constitution's mandate that there is an implicit right under Article 21 for speedy trial, which encompasses speedy investigation, inquiry, appeal, revision and retrial. To determine whether the undue delay has occurred, one must have regard to the nature of the offence, the number of persons involved both accused and prosecution witnesses, the role of investigating agency besides other procedural and incidental factor. Inordinate delay may be taken as presumptive proof of prejudice, particularly when the accused is in custody so that prosecution does not become persecution. The court has to balance and weigh several relevant factors. Though it is neither advisable nor feasible to prescribe any mandatory outer time limit, and the Court may only examine the effect of delay in every individual case on the anvil of Article 21 of the Constitution, there is certainly a need to address these issues by way of an in-house mechanism to ensure

that there is no undue delay in completing the investigation. This obligation flows from the law laid down by Supreme Court *inter alia* in *Maneka Gandhi v. Union of India*⁵, *Hussainara Khatoon v. State of Bihar*⁶, *Abdul Rehman Antulay v. R.S. Nayak*⁷, *P. Ramachandra Rao v. State of Karnataka*⁸ and *Dilawar v. State of Haryana*⁹.

24. Nonetheless, there is no specific stipulated timeframe for the investigation of criminal cases. However, prolonged investigations can potentially undermine the rule of law, particularly in cases involving government officers who are entrusted with the responsibility of carrying out their official duties diligently honestly and fearlessly, yet have been found to be involved in widespread corruption. Therefore, there is a compelling need to establish a clear timeline for the completion of investigations to uphold the principles enshrined in Article 21 of the Constitution.

25. For the sake of clarity and understanding, Regulation 122 of the U.P. Police Regulations, 1861 is provided below:

"122. Completion of Investigation and submission of final report or charge sheet should be as soon as possible.- (i) An investigation should be completed as soon as possible, and when complete, the investigating officer must comply with the provisions of Sections 161-171 and 173 of the Code of Criminal Procedure, 1973 (2 of 1974). The report prescribed by Section 173 must under that section be submitted by the officer in charge of the police station under intimation to the Superintendent of Police and should be in the form of charge-sheet (Police Form No. 339), if the case is sent for trial and in the form of final report (Police Form No. 340), if the case is not sent for trial. The charge-sheet with the final diary in the cases shall be submitted to the Court through the Circle Officer and the Public Prosecutor and should reach the Court within four weeks of the date of lodging of the first information report in summons and warrants cases and eight weeks in Sessions cases. None of the Circle

5 (1978) 1 SCC 248

6 (1980) 1 SCC 81

7 (1992) 1 SCC 225

8 (2002) 4 SCC 578

9 (2018) 16 SCC 521

Officer and the Public Prosecutor should normally retain the charge-sheet for more than a week and the latter should submit it to the Court concerned within the time-limit. The prescribed time-limit should not be allowed to exceed except for very special reasons.

(ii) As soon as possible but in any case not later than a month of the expiry of each quarter, the Superintendent of Police shall submit to the District Magistrate, in the prescribed form and in duplicate, a quarterly list of cases in which charge-sheet could not be submitted within the prescribed time-limit of 4/8 weeks. The District Magistrate will forward it to the Range Deputy Inspector General of Police, endorsing the other copy with his comments to the Commissioner of the Division. The Range Deputy Inspector General of Police will thereupon compile in the prescribed form, a statement of delayed cases and submit it to the Inspector General of Police who will forward the same to Government in Home Department (Police A) with his comments.

(iii) The final report must in all cases be submitted through the Superintendent of Police.

(iv) The information as the result of the investigation must, as required by Section 173 (i) (b), Criminal Procedure Code, 1973 (2 of 1974), be sent by the officer in charge of the police station to the complainant if any in Police Form No. 47, at the time he submits the charge-sheet or the final report, as the case may be."

26. In light of this context, this Court direct the State Government to constitute a High-Powered Committee, comprising of Chief Secretary, as its chairperson, to conduct a comprehensive examination of all relevant factors, particularly those outlined herein above. The Committee should include representatives from all relevant stakeholders, including the civil administration, public prosecutors, and police department officers. Their collective input should be used to develop comprehensive and well-structured guidelines for continuous/consistent monitoring the progress of investigations. ***The copy of the notification constituting the High-Powered Committee shall be forwarded immediately to the office of the Registrar General of this court to be kept in the record of this case.***

27. In the event of non-compliance of the aforesaid guidelines as may be framed, a framework for holding individual officers accountable and establishing a supervision mechanism at the

District, Zonal, and State Levels should be devised. As one possible measure to hold errant officers accountable, their appointment as Station House Officer (S.H.O.), Station Officer (S.O.), or In-charge of a police station (Chowki-in-charge) could be withheld for a specified period, among other potential actions.

28. The authority to establish these guidelines indeed lies within the purview of the State government. In accordance with the principles expounded in the judgment, the Committee shall consider the following:

(i) In the initial phase, the Committee shall formulate guidelines for monitoring the investigation of First Information Reports (FIRs) registered by government departments in cases involving corruption and cheating. Subsequently, it will extend these guidelines in a phased manner to cover all other FIRs as may be found suitable and appropriate by the Committee.

(ii) The guidelines should ensure that investigations are completed within in a phased manner expeditiously, and strictly in accordance with the provisions outlined in Chapters-V, VI, VII, and XII of the Code of Criminal Procedure, 1973 as well as other applicable legal provisions intended to facilitate effective, fair, unbiased, and expeditious investigation.

(iii) In cases the police conclude that no case is made out against the accused or the suspect, the final report should be filed strictly in accordance with Regulation 122 (iii) of the U.P. Police Regulations. The Regulation 122 (i), (ii), and (iv) of the U.P. Police Regulations, 1861 should also be taken into consideration while formulating these guidelines.

(iv) The inclusion of mechanisms for systematic date-wise tracking of court proceedings, both at the district and state levels, is imperative to guarantee the expeditious disposal of the case. Moreover, it is imperative for the department to meticulously have a track on the testimony of witnesses, ensuring that they depose factually correct, just and necessary information in the court, devoid of any apprehension or external factors that could potentially sway the course of justice, and shall also develop a mechanism for fixing accountability if a witness act in defiance of law.

29. In the initial phase, this Court directs all Commissioners of Police/Senior Superintendent of Police/Superintendent of Police from all districts to provide a list of FIRs that have been registered on behalf of government departments. This list shall include the date of registration of FIR, the time and place of the incident, the name of the complainant, and the names of the suspects/accused persons. Additionally, a brief overview of the progress made in the investigations conducted thus far should be included. This information must be submitted within one month from the date of receiving a copy of this order to the Chief Secretary's office. This quantifiable data collected from all police stations be used to formulate comprehensive guidelines.

30. This Court directs all the Commissioners of Police/SSPs/SPs to endorse their subjective satisfaction by independently evaluating the circumstances and the material placed before them, thereby justifying the submission of a final report as outlined in Regulation 122 (iii) of the U.P. Police Regulations by a speaking order. The copies of this judgment shall be dispatched to all Commissioners of Police/SSPs/SPs in Uttar Pradesh for prompt adherence. A notification, if any, by

government delegating the authority of Commissioner of Police/S.S.P./S.P.s to any of the subordinate officer to sign and forward the closure report shall stand inoperative from the date of this order in cases registered by Government Department/PSU's/Public Authorities/Co-operative Societies of Government and/or organisations covered by Article 12 of the Constitution of India.

31. A copy of this order shall be forwarded to the Chief Secretary of Uttar Pradesh with an expectation that guidelines shall be formulated in a timely manner, preferably within three months and not exceeding, in any case, beyond a period of six months. In consequence thereof, the relevant directions/G.O. shall also be issued to all the civil and police departments as may be necessary in align with the spirit of this judgment.

32. A copy of this order be sent to all District Judges, who should then circulate it amongst all Magistrates, Civil Judges, and Chief Judicial Magistrates concerned. They are responsible for ensuring strict adherence to Regulation 122 (iii) of the U.P. Police Regulations, 2001. The respective judicial officers should also ensure compliance with the directives outlined in paragraph 30 of this order and shall take into account the endorsement provided by the Commissioner of Police/Senior Superintendent of Police/Superintendent of Police before taking cognizance of the matter.

33. Revisiting the facts of the instant case for disposal of the controversy arisen in the facts-circumstances, all the petitions stem from the impugned FIR No. 178 of 2023, registered under sections 409, 419, 420 IPC at the Sujanganj Police Station, District Jaunpur. The impugned FIR was lodged on 21.08.2023 by the Block Development Officer of Sujanganj against the

petitioners Shri Vinod Kumar, Smt. Pushpa Devi, Shri Manish Kumar Singh, Shri Sanjay Kumar, and Shri Jawahar Lal are arrayed as accused.

34. Admittedly, before the registration of the impugned FIR, a meeting of the Kshetra Panchayat took place on 15.06.2023 at Block Sujapur, organized by the Project Director of the District Rural Development Authority (DRDA) Jaunpur. During this meeting, a Kshetra Panchayat Sadasya raised concerns about irregularities committed by government officers while implementing the MANREGA scheme. Subsequently, based on the deliberations of the meeting, a report dated 27.06.2023 was forwarded to the Chief Development Officer, Jaunpur, revealing certain irregularities in the execution of the work.

35. After the perusal of the report dated 27.06.2023, the Chief Development Officer, Jaunpur, constituted a three-member Committee chaired by the Project Director of DRDA, who was well-acquainted with the facts and irregularities in question. The Project Director's report, dated 29.08.2023, indicated the preparation of forged muster rolls, violations of guidelines in executing the work, the release of funds without according proper sanction, and alleged illegal gains by the petitioners in collusion with each other. Consequently, a recommendation was made for the registration of the FIR.

36. As a result, the impugned FIR was registered by the Block Development Officer based on the report dated 19.08.2023.

37. Upon hearing both parties and examination of the reports, it is evident that the Project Director conducted an inquiry before the registration of the impugned FIR against the petitioners. There are allegation against all petitioners for creation of forged and

fabricated documents to misappropriate of an amount of Rs. 15,57,790, causing a financial loss to the public exchequer. A plain reading of the impugned FIR's contents indicates a *prima facie* commission of a cognizable offences at its face value against the petitioners. *At the first instance*, the allegations are of creating forged documents for approval, violating rules in the execution of work, and releasing funds without proper authorization make sense.

38. In light of the facts and circumstances, the petitions bearing the Criminal Misc. Writ Petition No.14349 of 2023, Criminal Misc. Writ Petition No.14783 of 2023 and Criminal Misc. Writ Petition No.14459 of 2023 are devoid of merits and are therefore *dismissed*.

39. The observations made hereinabove shall not affect the outcome of the investigation of the instant case; they are made for the purpose of disposing of the captioned petitions. The Investigating Officer is expected to conduct a prompt investigation in the interest of State's policy dealing in corruption cases.

40. The Registrar (Compliance) of this court is directed to do the needful at the earliest for compliance of the terms of the order.

Order Date: 29th November, 2023
Ujjawal

Sd/-Vinod Diwakar, J. Sd/-Vivek Kumar Birla, J.
(Vinod Diwakar, J.) (Vivek Kumar Birla, J.)

Compared by
Vaibhava
R.O.
04/12/2023

True Copy
04/12/23
Assistant Registrar
Copying Brief 'A' Section
High Court, Allahabad