2026:AHC-LKO:33569-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW

AFR

Order reserved on :- 07.05.2026

Order delivered on:-21.05.2026

CRIMINAL MISC. WRIT PETITION No. - 4156 of 2026

Deena Nath Yadav

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Home, Confidential And Vigilance, Lko. And Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Indu Prakash Singh
Counsel for Respondent(s)	:	G.A.

Court No. - 11

HON'BLE ABDUL MOIN, J.
HON'BLE PRAMOD KUMAR SRIVASTAVA, J.

1. Heard learned counsel for the petitioner and Sri Anurag Verma, learned AGA-I appearing on behalf of the respondents no. 1 to 3.

2. Under challenge is the First Information Report dated 17.12.2025 registered as Case Crime No. 0028 of 2025 under Sections 13 (1) (b) and 13 (2) of Prevention of Corruption Act, 1988 (In short "Act, 1988") at Police Station- Lucknow Sector (Vigilance Commission), Lucknow, a copy of which is annexure 1 to the writ petition.

3. Contention of learned counsel for the petitioner is that a perusal of the allegations as levelled in the impugned First Information Report which has been lodged under the provisions of Sections 13 (1) (b) and 13 (2) of the Act, 1988 would indicate that in an open inquiry, it has emerged that the petitioner has been found to have spent an amount of Rs. 2.51 Crores & odd instead of his earning from all legal and valid sources which amounted to Rs. 1.95 Crores & odd i.e the petitioner has been found to have spent Rs. 55,00,000/- and odd in excess which conduct of his falls within the ambit of Section 13 (1) (b) read with Section 13 (2) of the Act, 1988. This has emerged on the basis of open inquiry report no. ANU-2-KHULI-86/2020 which inquiry was conducted on the basis of the confidential Demi Official letter dated 12.06.2020. It has also been indicated that by means of letter dated 04.12.2025, the case of the petitioner has been forwarded to Uttar Pradesh Vigilance Department for

the purpose of investigation.

4. Contention is that the aforesaid allegations as levelled in the impugned First Information Report are patently false.

5. Elaborating the same, contention of learned counsel for the petitioner is that the petitioner along with others had filed a Writ Petition No. 20001 (SS) of 2020 Inre; Jaikar Singh and ors Vs. State of U.P and Ors in which the petitioner was petitioner no. 6. In the said petition, the petitioners had challenged the orders dated 12.06.2020 and 22.07.2020 whereby directions had been issued to initiate vigilance inquiry against the petitioners. Before the writ Court, learned counsel appearing on behalf of the State had submitted that the petitioners are challenging the regular open vigilance inquiry. However, the writ Court was of the view that prima facie it is apparent that only a fact finding inquiry has been initiated as has also been submitted by the learned State counsel against the petitioner and regular vigilance inquiry as contemplated under the Rules of 1977 has not yet commenced.

6. Considering the aforesaid the writ Court was of the view that as the inquiry is only a fact finding inquiry, the respondents in the meantime were restrained from requiring the petitioners to furnish any information pertaining to their assets . It was also indicated that the fact finding inquiry against the petitioners may continue. Copy of the interim order dated 20.12.2021 has been filed as annexure 13 to the writ petition. Learned counsel for the petitioner also states at bar that the aforesaid order passed by the writ Court dated 20.12.2021 is still continuing as of date although the respondents have filed an application for vacation of the interim order.

7. Placing reliance on the compliance affidavit dated 09.07.2025 and the inquiry report dated 19.02.2024 which had been in the aforesaid petition and are being instant petition, contention is that the respondents in the said inquiry have categorically recorded that while holding the open inquiry against the petitioner, no explanation pertaining to the details of his income and expenditure have been taken (Page 244 of the writ petition).

8. Further placing reliance on Explanation 1 to Section 13 (1) (b) of the Act, 1988, argument is that the said explanation categorically provides that a person shall be presumed to have intentionally enriched himself illicitly if he or any person on his behalf is in possession of or has at any time during the period of his office, been in possession of pecuniary resources or property disproportionate to his known sources of income which the public servant **cannot satisfactorily account for.**

9. Contention is that once Explanation 1 to Section 13 (1) (b) of the Act, 1988 itself provides that an offence under Section 13 of the Act, 1988 can only be said to have been committed by a person in case he cannot satisfactorily account for of the property disproportionate to his assets, consequently, lodging of the impugned First

Information Report under the provisions of the Act, 1988 more particularly Section 13 of the Act, 1988 would be going beyond what is provided under the explanation i.e the respondents having proceeded to lodge the impugned First Information Report without calling for the explanation of the petitioner requiring him to satisfactorily account for the alleged disproportionate assets as is explicitly admitted by them while submitting the inquiry report.

10. Further, reliance has been placed on the confidential memo dated 09.10.2024, a copy of which has been filed as annexure 2 to the writ petition per which it has also been indicated that the open inquiry has been concluded without calling for the explanation/documents from the charged employees.

11. It is also argued that even otherwise, there does not appear to be any occasion for any explanation to have been called for from the petitioner more particularly keeping in view the order of the writ Court dated 20.12.2021 which had specifically restrained the respondents from requiring the petitioner to furnish information pertaining to the assets.

12. In this regard, learned counsel for the petitioner has placed reliance on various interim orders that have been passed by this Court pertaining to similar First Information Report i.e the First Information Report having been lodged without giving an opportunity to the said employee to explain the charge of disproportionate assets. The said interim orders have been passed in **Criminal Misc. Writ Petition No. 6320 of 2025 Inre; Sushil Kumar Vs. State of U.P and ors, Criminal Misc. Writ Petition No. 610 of 2025 Inre; Raghvendra Kumar Gupta Vs. State of U.P and Ors, Criminal Misc. Writ Petition No. 1114 of 2025 Inre; Kamlesh Kumar Keshari Vs. State of U.P and Ors, Criminal Misc. Writ Petition No. 8031 of 2024 Inre; Ram Nathgoel Vs. State of U.P and Ors, Criminal Misc. Writ Petition No. 1515 of 2025 Inre; Ajaya Rastogi Vs. State of U.P and Ors & Criminal Misc. Writ Petition No. 6244 of 2025 Inre; Pradeep Kumar Khandelwal Vs. State of U.P and Ors.**

13. Placing reliance on the interim orders and the arguments as aforesaid, it is prayed that the impugned First Information Report itself merits to be set aside.

14. On the other hand, learned AGA has placed reliance on the judgment of the Apex Court in the case of **State of Karnataka Vs. Sri Channakeshava. H.D and anr- (2025) 4 S.C.R. 608** to contend that the Apex Court in the said judgment after placing reliance on its earlier judgment in the case of **Central Bureau of Investigation Vs. Thommandru Hannah Vijaylakshmi- (2021) 13 SCR 364** has been of the view that an accused public servant does not have any right to explain the alleged disproportionate assets before filing of First Information Report. Thus, it is prayed that the writ petition be dismissed.

15. Heard learned counsels appearing on behalf of the contesting parties and perused the records.

16. From a perusal of records it emerges that the petitioner has challenged the First Information Report dated 17.12.2025 lodged under Sections 13 (1) (b) and 13 (2) of the Act, 1988. A perusal of the impugned First Information Report indicates that upon an open inquiry conducted by the vigilance department it has been found that while the petitioner has worked as a Public Servant, his income from all known sources was approximately Rs. 1.95 Crores but he has spent an amount of Rs. 2.51 Crores & odd and consequently, has spent an amount of Rs. 55,00,000/- and odd in excess of his known sources of income. This has emerged in the open inquiry conducted by the department. Thus, the First Information Report has been lodged under the provisions of the Act, 1988.

17. The sheet anchor of argument of the learned counsel for the petitioner is the interim order dated 20.12.2021 passed by the writ Court per which, upon a challenge being raised by the petitioner along with others to the orders dated 12.06.2020 & 22.07.2020 for initiating vigilance inquiry, it had been indicated by the State-respondents that information pertaining to the petitioner(s) was furnished by the vigilance department and the proceedings against the petitioner(s) have been initiated in pursuance to letter dated 08.01.2019 issued by the Special Director, Vigilance Department and only a fact finding inquiry has been issued and a regular vigilance inquiry would only commence after lodging of First Information Report against the petitioner (s) in case there is some material. Considering this, the writ Court was of the view that as only a fact finding inquiry has been instituted against the petitioner(s) as such, the respondents-State were restrained from requiring the petitioner(s) to furnish any information pertaining to the assets. The inquiry report dated 19.09.2024 has also been submitted in which it has categorically been recorded that while holding the open inquiry against the petitioner, no explanation pertaining to the details of his income and expenditure has been taken. Further, as per confidential memo dated 09.10.2024 by which the open inquiry report dated 19.09.2024 has been sent, it has also been recorded that the open inquiry has been concluded without calling for the explanation/documents from the charged employee.

18. Argument of the learned counsel for the petitioner is that as the open inquiry has been conducted against the him, as stands recorded in the impugned First Information Report, in which no explanation of the petitioner has been sought, as such, the First Information Report itself merits to be quashed as the respondents have lodged the impugned First Information Report without considering the explanation (1) to Section 13 (1) of the Act, 1988 i.e the respondents have pre-judged the issue while lodging the impugned First Information Report without having required to petitioner to satisfactorily account for his disproportionate assets.

19. On the other hand, learned AGA has placed reliance on the judgment of the Apex

Court the cases of **Sri Channakeshava. H.D (supra) & Thommandru Hannah Vijaylakshmi (supra)** to contend that an accused public servant does not have any right to explain the disproportionate assets before filing of the First Information Report.

20. Considering the aforesaid we are now required to consider as to whether prior to lodging of the First Information Report by the authorities under the provisions of the Act, 1988, the explanation on the public servant with regard to disproportionate assets is required to be called for or for that matter any preliminary inquiry is required to be conducted.

21. In this regard, it would be apt to refer to the judgment of the Apex Court in the case of **Sri Channakeshava. H.D (supra)** wherein the Apex Court after placing reliance on its earlier judgment of **Thommandru Hannah Vijaylakshmi (supra)** has held has under:-

*"14. Mr. Devadatt Kamat, senior counsel, has relied upon a recent Three-Judge Bench decision of this Court in **Central Bureau of Investigation Vs. Thommandru Hannah Vijaylakshmi- (2021) 18 SCC 135** where it was specifically stated that an accused public servant does not have any right to explain the alleged disproportionate assets before filing of an FIR. We are also of the opinion that this is the correct legal position as there is no inherent right of a public servant to be heard at this stage."*

22. Likewise, the Apex Court in the case of **Thommandru Hannah Vijaylakshmi (supra)** has held as under:-

***"6.** The FIR was registered against the respondents by CBI's Anti-Corruption Branch ("ACB") in Chennai on 20-9-2017. The FIR noted that the "check period" was between 1-4-2010 and 29-2-2016. The FIR records that it was registered on the basis of "source information" received by CBI ACB Chennai on the same date, at about 4 p.m. There are four tabulated statements in the FIR. Statement A provides that the respondents' assets at the beginning of the check period (1-4-2010) were in the amount of Rs 1,35,26,066 while Statement B indicates that their assets at the end of the check period (29-2-2016) were Rs 6,90,51,066. Hence, their assets earned during the check period (i.e. between 1-4-2010 to 29-2-2016) were alleged to be to the tune of Rs 5,55,25,000. According to Statement C, the respondents' income during the check period was Rs 4,84,76,630 while according to Statement D their expenditure during the check period was Rs 40,33,322. Hence, the respondents are alleged to have acquired assets/pecuniary advantage to the extent of Rs 5,95,58,322 (adding the assets, Rs 5,55,25,000 and expenditure, Rs 40,33,322) against an income of Rs 4,84,76,630 earned during the check period. Therefore, their disproportionate assets [Calculated by adding the assets and expenditure during the check period, and subtracting the income from it.] during the check period were computed at Rs 1,10,81,692, which is 22.86% of the total income earned by them.*

***14.** The rival submissions now fall for our consideration. Based on the submissions,*

this Court is called upon to decide two questions:

14.1. *(i) Whether CBI is mandatorily required to conduct a preliminary enquiry before the registration of an FIR in every case involving claims of alleged corruption against public servants; and*

14.2. *(ii) Independent of the first question, whether the judgment of the High Court to quash the FIR can be sustained in the present case.*

D. Whether a preliminary inquiry is mandatory before registering an FIR

D.1. Precedents of this Court

15. *Before proceeding with our analysis of the issue, it is important to understand what previous judgments of this Court have stated on the issue of whether CBI is required to conduct a preliminary enquiry before the registration of an FIR, especially in cases of alleged corruption against public servants.*

16. *The first of these is a judgment of a two-Judge Bench in P. Sirajuddin [P. Sirajuddin v. State of Madras, (1970) 1 SCC 595 : 1970 SCC (Cri) 240] , in which it was observed that before a public servant is charged with acts of dishonesty amounting to serious misdemeanour, some suitable preliminary enquiry must be conducted in order to obviate incalculable harm to the reputation of that person. G.K. Mitter, J. held that : (SCC p. 601, para 17)*

> *"17. … Before a public servant, whatever be his status, is publicly charged with acts of dishonesty which amount to serious misdemeanour or misconduct of the type alleged in this case and a first information is lodged against him, there must be some suitable preliminary enquiry into the allegations by a responsible officer. The lodging of such a report against a person, specially one who like the appellant occupied the top position in a department, even if baseless, would do incalculable harm not only to the officer in particular but to the department he belonged to, in general."*

(emphasis supplied)

17. *The above decision was followed by another two-Judge Bench in Nirmal Singh Kahlon [Nirmal Singh Kahlon v. State of Punjab, (2009) 1 SCC 441 : (2009) 1 SCC (Cri) 523] , wherein it was observed that in accordance with the CBI Manual, CBI may only be held to have established a prima facie case upon the completion of a preliminary enquiry. S.B. Sinha, J. held thus : (SCC p. 456, para 30)*

> *"30. Lodging of a first information report by CBI is governed by a manual. It may hold a preliminary inquiry; it has been given the said power in Chapter VI of the CBI Manual. A prima facie case may be held to have been established only on completion of a preliminary enquiry."*

18. *The most authoritative pronouncement of law emerges from the decision of a Constitution Bench in Lalita Kumari [Lalita Kumari v. State of U.P., (2014) 2 SCC 1 : (2014) 1 SCC (Cri) 524] . The issue before the Court was whether*

"a police officer is bound to register a first information report ("FIR") upon receiving any information relating to commission of a cognizable offence under Section 154 of the Code of Criminal Procedure, 1973 … or the police officer has the power to

conduct a "preliminary inquiry" in order to test the veracity of such information before registering the same" (SCC p. 17, para 1).Answering this question on behalf of the Bench, P. Sathasivam, C.J. held that under Section 154 of the Code of Criminal Procedure, 1973 ("CrPC"), a police officer need not conduct a preliminary enquiry and must register an FIR when the information received discloses the commission of a cognizable offence.

19. *Specifically with reference to the provisions of the CBI Manual, the decision noted : (Lalita Kumari case [Lalita Kumari v. State of U.P., (2014) 2 SCC 1, paras 31-35, 37-39, 83-86, 89-92, 93-96, 101-105, 106-107, 111-112, 114-119 and 120 : (2014) 1 SCC (Cri) 524] , SCC pp. 50-51, para 89)*

> *"89. Besides, the learned Senior Counsel relied on the special procedures prescribed under the CBI Manual to be read into Section 154. It is true that the concept of "preliminary inquiry" is contained in Chapter IX of the Crime Manual of CBI. However, this Crime Manual is not a statute and has not been enacted by the legislature. It is a set of administrative orders issued for internal guidance of CBI officers. It cannot supersede the Code. Moreover, in the absence of any indication to the contrary in the Code itself, the provisions of the CBI Crime Manual cannot be relied upon to import the concept of holding of preliminary inquiry in the scheme of the Code of Criminal Procedure. At this juncture, it is also pertinent to submit that CBI is constituted under a special Act, namely, the Delhi Special Police Establishment Act, 1946 and it derives its power to investigate from this Act."*
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> *(emphasis supplied)*

20. *However, the Court was also cognizant of the possible misuse of the powers under criminal law resulting in the registration of frivolous FIRs. Hence, it formulated "exceptions" to the general rule that an FIR must be registered immediately upon the receipt of information disclosing the commission of a cognizable offence. The Constitution Bench held : (Lalita Kumari case [Lalita Kumari v. State of U.P., (2014) 2 SCC 1, paras 31-35, 37-39, 83-86, 89-92, 93-96, 101-105, 106-107, 111-112, 114-119 and 120 : (2014) 1 SCC (Cri) 524] , SCC pp. 59-60, paras 115, 117 & 119)*

> *"115. Although, we, in unequivocal terms, hold that Section 154 of the Code postulates the mandatory registration of FIRs on receipt of all cognizable offences, yet, there may be instances where preliminary inquiry may be required owing to the change in genesis and novelty of crimes with the passage of time. …*
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> *117. In the context of offences relating to corruption, this Court inP. Sirajuddin [P. Sirajuddin v. State of Madras, (1970) 1 SCC 595 : 1970 SCC (Cri) 240] expressed the need for a preliminary inquiry before proceeding against public servants.*

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119. Therefore, in view of various counterclaims regarding registration or non-registration, what is necessary is only that the information given to the police must disclose the commission of a cognizable offence. In such a situation, registration of an FIR is mandatory. However, if no cognizable offence is made out in the information given, then the FIR need not be registered immediately and perhaps the police can conduct a sort of preliminary verification or inquiry for the limited purpose of ascertaining as to whether a cognizable offence has been committed. But, if the information given clearly mentions the commission of a cognizable offence, there is no other option but to register an FIR forthwith. Other considerations are not relevant at the stage of registration of FIR, such as, whether the information is falsely given, whether the information is genuine, whether the information is credible, etc. These are the issues that have to be verified during the investigation of the FIR. At the stage of registration of FIR, what is to be seen is merely whether the information given ex facie discloses the commission of a cognizable offence. If, after investigation, the information given is found to be false, there is always an option to prosecute the complainant for filing a false FIR."

(emphasis supplied)

21. *The judgment provides the following conclusions : (Lalita Kumari case [Lalita Kumari v. State of U.P., (2014) 2 SCC 1, paras 31-35, 37-39, 83-86, 89-92, 93-96, 101-105, 106-107, 111-112, 114-119 and 120 : (2014) 1 SCC (Cri) 524] , SCC p. 61, para 120)*

"*120. In view of the aforesaid discussion, we hold:*

120.1. The registration of FIR is mandatory under Section 154 of the Code, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation.

120.2. If the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not.

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120.5. The scope of preliminary inquiry is not to verify the veracity or otherwise of the information received but only to ascertain whether the information reveals any cognizable offence.

120.6. As to what type and in which cases preliminary inquiry is to be conducted will depend on the facts and circumstances of each case. The category of cases in which preliminary inquiry may be made are as under:

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(d) Corruption cases

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The aforesaid are only illustrations and not exhaustive of all conditions which may warrant preliminary inquiry."

(emphasis supplied)

22. *The Constitution Bench in Lalita Kumari case [Lalita Kumari v. State of U.P., (2014) 2 SCC 1, paras 31-35, 37-39, 83-86, 89-92, 93-96, 101-105, 106-107, 111-112, 114-119 and 120 : (2014) 1 SCC (Cri) 524] thus held that a preliminary enquiry is not mandatory when the information received discloses the commission of a cognizable offence. Even when it is conducted, the scope of a preliminary enquiry is not to ascertain the veracity of the information, but only whether it reveals the commission of a cognizable offence. The need for a preliminary enquiry will depend on the facts and circumstances of each case. As an illustration, "corruption cases" fall in that category of cases where a preliminary enquiry "may be made". The use of the expression "may be made" goes to emphasise that holding a preliminary enquiry is not mandatory. Dwelling on the CBI Manual, the Constitution Bench held that : (i) it is not a statute enacted by the legislature; and (ii) it is a compendium of administrative orders for the internal guidance of CBI.*

23. *The judgment in Lalita Kumari [Lalita Kumari v. State of U.P., (2014) 2 SCC 1 : (2014) 1 SCC (Cri) 524] was analysed by a three-Judge Bench of this Court in Yashwant Sinha [Yashwant Sinha v. CBI, (2020) 2 SCC 338] where the Court refused to grant the relief of registration of an FIR based on information submitted by the appellant-informant. In his concurring opinion, K.M. Joseph, J. described that a barrier to granting the relief of registration of an FIR against a public figure would be the observations of this Court in Lalita Kumari [Lalita Kumari v. State of U.P., (2014) 2 SCC 1 : (2014) 1 SCC (Cri) 524] noting that a preliminary enquiry may be desirable before doing so. Joseph, J. observed : (Yashwant Sinha case [Yashwant Sinha v. CBI, (2020) 2 SCC 338, paras 114-115 and 117] , SCC pp. 385 & 387-89, paras 108, 110, 112 & 114)*

"108. Para 120.6 [of Lalita Kumari [Lalita Kumari v. State of U.P., (2014) 2 SCC 1 : (2014) 1 SCC (Cri) 524]] deals with the type of cases in which preliminary inquiry may be made. Corruption cases are one of the categories of cases where a preliminary inquiry may be conducted. …

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110. In para 117 of Lalita Kumari [Lalita Kumari v. State of U.P., (2014) 2 SCC 1 : (2014) 1 SCC (Cri) 524] , this Court referred to the decision in P. Sirajuddin v. State of Madras [P. Sirajuddin v. State of Madras, (1970) 1 SCC 595 : 1970 SCC (Cri) 240] and took the view that in the context of offences related to corruption in the said decision, the Court has expressed a need for a preliminary inquiry before proceeding against public servants.

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112. In Lalita Kumari [Lalita Kumari v. State of U.P., (2014) 2 SCC 1 : (2014) 1 SCC (Cri) 524] , one of the contentions which was pressed before the Court was that in certain situations, preliminary inquiry is necessary. In this regard, attention of the Court was drawn to CBI Crime Manual. …

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114. The Constitution Bench inLalita Kumari [Lalita Kumari v. State of U.P., (2014) 2 SCC 1 : (2014) 1 SCC (Cri) 524] , had before it, the CBI Crime Manual. It also considered the decision of this Court inP. Sirajuddin [P. Sirajuddin v. State of Madras, (1970) 1 SCC 595 : 1970 SCC (Cri) 240] which declared the necessity for preliminary inquiry in offences relating to corruption. Therefore, the petitioners may not be justified in approaching this Court seeking the relief of registration of an FIR and investigation on the same as such. This is for the reason that one of the exceptions where immediate registration of FIR may not be resorted to, would be a case pointing fingers at a public figure and raising the allegation of corruption. This Court also has permitted preliminary inquiry when there is delay, laches in initiating criminal prosecution, for example, over three months. A preliminary inquiry, it is to be noticed in para 120.7 of Lalita Kumari [Lalita Kumari v. State of U.P., (2014) 2 SCC 1 : (2014) 1 SCC (Cri) 524] , is to be completed within seven days."

(emphasis supplied)

24. *The decision of a two-Judge Bench in Managipet [State of Telangana v. Managipet, (2019) 19 SCC 87 : (2020) 3 SCC (Cri) 702] thereafter has noted that while the decision in Lalita Kumari [Lalita Kumari v. State of U.P., (2014) 2 SCC 1 : (2014) 1 SCC (Cri) 524] held that a preliminary enquiry was desirable in cases of alleged corruption, that does not vest a right in the accused to demand a preliminary enquiry. Whether a preliminary enquiry is required or not will depend on the facts and circumstances of each case, and it cannot be said to be mandatory requirement without which a case cannot be registered against the accused in corruption cases. Hemant Gupta, J. held thus : (Managipet case [State of Telangana v. Managipet, (2019) 19 SCC 87, paras 33-34 : (2020) 3 SCC (Cri) 702] , SCC pp. 103-105, paras 28-30 & 32-34)*

"28. InLalita Kumari [Lalita Kumari v. State of U.P., (2014) 2 SCC 1 : (2014) 1 SCC (Cri) 524] the Court has laid down the cases in which a preliminary inquiry is warranted, more so, to avoid an abuse of the process of law rather than vesting any right in favour of an accused. Herein, the argument made was that if a police officer is doubtful about the veracity of an accusation, he has to conduct a preliminary inquiry and that in certain appropriate cases, it would be proper for such officer, on the receipt of a complaint of a cognizable offence, to satisfy himself that prima facie, the allegations levelled against the accused in the complaint are credible. …

29. The Court concluded that the registration of an FIR is mandatory under Section 154 of the Code if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation. …

30. It must be pointed out that this Court has not held that a preliminary inquiry is a must in all cases. A preliminary enquiry may be conducted pertaining to matrimonial disputes/family disputes, commercial offences, medical negligence cases, corruption cases, etc. The judgment of this Court inLalita Kumari [Lalita Kumari v. State of U.P., (2014) 2 SCC 1 : (2014) 1 SCC (Cri) 524] does not state that proceedings cannot be initiated against an accused without conducting a preliminary inquiry.

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32. … The scope and ambit of a preliminary inquiry being necessary before lodging an FIR would depend upon the facts of each case. There is no set format or manner in which a preliminary inquiry is to be conducted. The objective of the same is only to ensure that a criminal investigation process is not initiated on a frivolous and untenable complaint. That is the test laid down inLalita Kumari [Lalita Kumari v. State of U.P., (2014) 2 SCC 1 : (2014) 1 SCC (Cri) 524]

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33. In the present case, the FIR itself shows that the information collected is in respect of disproportionate assets of the accused officer. The purpose of a preliminary inquiry is to screen wholly frivolous and motivated complaints, in furtherance of acting fairly and objectively. Herein, relevant information was available with the informant in respect of prima facie allegations disclosing a cognizable offence. Therefore, once the officer recording the FIR is satisfied with such disclosure, he can proceed against the accused even without conducting any inquiry or by any other manner on the basis of the credible information received by him. It cannot be said that the FIR is liable to be quashed for the reason that the preliminary inquiry was not conducted. The same can only be done if upon a reading of the entirety of an FIR, no offence is disclosed. Reference in this regard, is made to a judgment of this Court in State of Haryana v. Bhajan Lal [State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426] wherein, this Court held inter alia that where the allegations made in the FIR or the complaint, even if they are taken at their face value and accepted in their entirety, do not prima facie constitute any offence or make out a case against the accused and also where a criminal proceeding is manifestly attended with mala fides and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.

34. Therefore, we hold that the preliminary inquiry warranted inLalita Kumari [Lalita Kumari v. State of U.P., (2014) 2 SCC 1 : (2014) 1 SCC (Cri) 524] is not required to be mandatorily conducted in all corruption cases. It has been reiterated by this Court in multiple instances that the type of preliminary inquiry to be conducted will depend on the facts and circumstances of each case.

There are no fixed parameters on which such inquiry can be said to be conducted. Therefore, any formal and informal collection of information disclosing a cognizable offence to the satisfaction of the person recording the FIR is sufficient."

(emphasis supplied)

25. *In Charansingh [Charansingh v. State of Maharashtra, (2021) 5 SCC 469 : (2021) 2 SCC (Cri) 617 : (2021) 2 SCC (L&S) 52] , the two-Judge Bench was confronted with a challenge to a decision to hold a preliminary enquiry. The Court adverted to the ACB Manual in Maharashtra and held that a statement provided by an individual in an "open inquiry" in the nature of a preliminary enquiry would not be confessional in nature and hence, the individual cannot refuse to appear in such an inquiry on that basis. M.R. Shah, J. writing for the two-Judge Bench consisting also of one of us (D.Y. Chandrachud, J.) held : (SCC pp. 479-82, paras 11, 14 & 15)*

"11. However, whether in a case of a complaint against a public servant regarding accumulating the assets disproportionate to his known sources of income, which can be said to be an offence under Section 13(1)(e) of the Prevention of Corruption Act, 1988, an enquiry at pre-FIR stage is permissible or not and/or it is desirable or not, if any decision is required, the same is governed by the decision of this Court in Lalita Kumari [Lalita Kumari v. State of U.P., (2014) 2 SCC 1 : (2014) 1 SCC (Cri) 524] .

11.1. While considering the larger question, whether police is duty-bound to register an FIR and/or it is mandatory for registration of FIR on receipt of information disclosing a cognizable offence and whether it is mandatory or the police officer has option, discretion or latitude of conducting preliminary enquiry before registering FIR, this Court in Lalita Kumari [Lalita Kumari v. State of U.P., (2014) 2 SCC 1 : (2014) 1 SCC (Cri) 524] has observed that it is mandatory to register an FIR on receipt of information disclosing a cognizable offence and it is the general rule. However, while holding so, this Court has also considered the situations/cases in which preliminary enquiry is permissible/desirable. While holding that the registration of FIR is mandatory under Section 154, if the information discloses commission of a cognizable offence and no preliminary enquiry is permissible in such a situation and the same is the general rule and must be strictly complied with, this Court has carved out certain situations/cases in which the preliminary enquiry is held to be permissible/desirable before registering/lodging of an FIR. It is further observed that if the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary enquiry may be conducted to ascertain whether cognizable offence is disclosed or not. It is observed that as to what type and in which cases the preliminary enquiry is to be conducted will depend upon the facts and circumstances of each case.

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14. In the context of offences relating to corruption, in para 117 in Lalita Kumari [Lalita Kumari v. State of U.P., (2014) 2 SCC 1 : (2014) 1 SCC (Cri) 524] , this Court also took note of the decision of this Court in P. Sirajuddin v. State of Madras [P. Sirajuddin v. State of Madras, (1970) 1 SCC 595 : 1970 SCC (Cri) 240] in which case this Court expressed the need for a preliminary enquiry before proceeding against public servants.

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15.1. Thus, an enquiry at pre-FIR stage is held to be permissible and not only permissible but desirable, more particularly in cases where the allegations are of misconduct of corrupt practice acquiring the assets/properties disproportionate to his known sources of income. After the enquiry/enquiry at pre-registration of FIR stage/preliminary enquiry, if, on the basis of the material collected during such enquiry, it is found that the complaint is vexatious and/or there is no substance at all in the complaint, the FIR shall not be lodged. However, if the material discloses prima facie a commission of the offence alleged, the FIR will be lodged and the criminal proceedings will be put in motion and the further investigation will be carried out in terms of the Code of Criminal Procedure. Therefore, such a preliminary enquiry would be permissible only to ascertain whether cognizable offence is disclosed or not and only thereafter FIR would be registered. Therefore, such a preliminary enquiry would be in the interest of the alleged accused also against whom the complaint is made.

15.2. Even as held by this Court in CBI v. Tapan Kumar Singh [CBI v. Tapan Kumar Singh, (2003) 6 SCC 175 : 2003 SCC (Cri) 1305] , a GD entry recording the information by the informant disclosing the commission of a cognizable offence can be treated as FIR in a given case and the police has the power and jurisdiction to investigate the same. However, in an appropriate case, such as allegations of misconduct of corrupt practice by a public servant, before lodging the first information report and further conducting the investigation, if the preliminary enquiry is conducted to ascertain whether a cognizable offence is disclosed or not, no fault can be found. Even at the stage of registering the FIR, what is required to be considered is whether the information given discloses the commission of a cognizable offence and the information so lodged must provide a basis for the police officer to suspect the commission of a cognizable offence. At this stage, it is enough if the police officer on the basis of the information given suspects the commission of a cognizable offence, and not that he must be convinced or satisfied that a cognizable offence has been committed. Despite the proposition of law laid down by this Court in a catena of decisions that at the stage of lodging the first information report, the police officer need not be satisfied or convinced that a cognizable offence has been committed, considering the observations made by this Court inP. Sirajuddin [P. Sirajuddin v. State of Madras, (1970) 1 SCC 595 : 1970 SCC (Cri) 240] and considering the observations by this Court inLalita Kumari [Lalita Kumari v. State of U.P., (2014) 2 SCC 1 : (2014) 1 SCC (Cri) 524] before lodging the FIR, an enquiry is held and/or conducted after

following the procedure as per Maharashtra State Anti-Corruption & Prohibition Intelligence Bureau Manual, it cannot be said that the same is illegal and/or the police officer, Anti-Corruption Bureau has no jurisdiction and/or authority and/or power at all to conduct such an enquiry at pre-registration of FIR stage."

(emphasis supplied)

26. Hence, all these decisions do not mandate that a preliminary enquiry must be conducted before the registration of an FIR in corruption cases. An FIR will not stand vitiated because a preliminary enquiry has not been conducted. *The decision in Managipet [State of Telangana v. Managipet, (2019) 19 SCC 87 : (2020) 3 SCC (Cri) 702] dealt specifically with a case of disproportionate assets. In that context, the judgment holds that where relevant information regarding prima facie allegations disclosing a cognizable offence is available, the officer recording the FIR can proceed against the accused on the basis of the information without conducting a preliminary enquiry.*

27. *This conclusion is also supported by the judgment of another Constitution Bench in K. Veeraswami [K. Veeraswami v. Union of India, (1991) 3 SCC 655 : 1991 SCC (Cri) 734] . The judgment was in context of Section 5(1)(e) of the old Prevention of Corruption Act, 1947, which is similar to Section 13(1)(e) of the PC Act. It was argued that : (i) a public servant must be afforded an opportunity to explain the alleged disproportionate assets before an investigating officer; (ii) this must then be included and explained by the investigating officer while filing the charge-sheet; and (iii) the failure to do so would render the charge-sheet invalid. Rejecting this submission, the Constitution Bench held that doing so would elevate the investigating officer to the role of an enquiry officer or a Judge and that their role was limited only to collect material in order to ascertain whether the alleged offence has been committed by the public servant.*

28. *In his opinion for himself and Venkatachaliah, J., K. Jagannatha Shetty, J. held thus : (K. Veeraswami [K. Veeraswami v. Union of India, (1991) 3 SCC 655, para 75 : 1991 SCC (Cri) 734] , SCC p. 715, para 75)*

"75. … since the legality of the charge-sheet has been impeached, we will deal with that contention also. The counsel laid great emphasis on the expression "for which he cannot satisfactorily account" used in clause (e) of Section 5(1) of the Act. He argued that that term means that the public servant is entitled to an opportunity before the investigating officer to explain the alleged disproportionality between assets and the known sources of income. The investigating officer is required to consider his explanation and the charge-sheet filed by him must contain such averment. The failure to mention that requirement would vitiate the charge-sheet and renders it invalid. This submission, if we may

say so, completely overlooks the powers of the investigating officer. The investigating officer is only required to collect material to find out whether the offence alleged appears to have been committed. In the course of the investigation, he may examine the accused. He may seek his clarification and if necessary he may cross check with him about his known sources of income and assets possessed by him. Indeed, fair investigation requires as rightly stated by Mr A.D. Giri, learned Solicitor General, that the accused should not be kept in darkness. He should be taken into confidence if he is willing to cooperate. But to state that after collection of all material the investigating officer must give an opportunity to the accused and call upon him to account for the excess of the assets over the known sources of income and then decide whether the accounting is satisfactory or not, would be elevating the investigating officer to the position of an enquiry officer or a Judge. The investigating officer is not holding an enquiry against the conduct of the public servant or determining the disputed issues regarding the disproportionality between the assets and the income of the accused. He just collects material from all sides and prepares a report which he files in the court as charge-sheet."

(emphasis supplied)

29. Therefore, since an accused public servant does not have a right to be afforded a chance to explain the alleged disproportionate assets to the investigating officer before the filing of a charge-sheet, a similar right cannot be granted to the accused before the filing of an FIR by making a preliminary enquiry mandatory.

.....

39. *The precedents of this Court and the provisions of the CBI Manual make it abundantly clear that a preliminary enquiry is not mandatory in all cases which involve allegations of corruption. The decision of the Constitution Bench in Lalita Kumari [Lalita Kumari v. State of U.P., (2014) 2 SCC 1 : (2014) 1 SCC (Cri) 524] holds that if the information received discloses the commission of a cognizable offence at the outset, no preliminary enquiry would be required. It also clarified that the scope of a preliminary enquiry is not to check the veracity of the information received, but only to scrutinise whether it discloses the commission of a cognizable offence. Similarly, Para 9.1 of the CBI Manual notes that a preliminary enquiry is required only if the information (whether verified or unverified) does not disclose the commission of a cognizable offence. Even when a preliminary enquiry is initiated, it has to stop as soon as the officer ascertains that enough material has been collected which discloses the commission of a cognizable offence. A similar conclusion has been reached by a two-Judge Bench in Managipet [State of Telangana v. Managipet, (2019) 19 SCC 87 : (2020) 3 SCC (Cri) 702] as well. Hence, the proposition that a preliminary enquiry is mandatory is plainly contrary to law, for it is not only contrary to the decision of the Constitution Bench in Lalita Kumari [Lalita Kumari v. State of U.P., (2014) 2 SCC 1 : (2014) 1 SCC (Cri) 524] but would also tear apart the*

framework created by the CBI Manual.

40. *This view is also supported by the decision of a three-Judge Bench of this Court in Union of India v. State of Maharashtra [Union of India v. State of Maharashtra, (2020) 4 SCC 761 : (2020) 2 SCC (Cri) 686] , which reversed the decision of a two-Judge Bench in Subhash Kashinath Mahajan v. Stateof Maharashtra [Subhash Kashinath Mahajan v. State of Maharashtra, (2018) 6 SCC 454 : (2018) 3 SCC (Cri) 124] which had, inter alia, held that "a preliminary enquiry may be conducted by the DSP concerned to find out whether the allegations make out a case under the [Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ("the Atrocities Act")] and that the allegations are not frivolous or motivated". However, in the three-Judge Bench decision, it was held that such a direction was impermissible since neither CrPC nor the Atrocities Act mandate a preliminary inquiry. Arun Mishra, J. held : (Union of India case [Union of India v. State of Maharashtra, (2020) 4 SCC 761 : (2020) 2 SCC (Cri) 686] , SCC p. 801, para 68)*

> *"68. The direction has also been issued that the DSP should conduct a preliminary inquiry to find out whether the allegations make out a case under the Atrocities Act, and that the allegations are not frivolous or motivated. In case a cognizable offence is made out, the FIR has to be outrightly registered, and no preliminary inquiry has to be made as held inLalita Kumari [Lalita Kumari v. State of U.P., (2014) 2 SCC 1 : (2014) 1 SCC (Cri) 524] by a Constitution Bench. There is no such provision in the Code of Criminal Procedure for preliminary inquiry or under the SC/ST Act, as such direction is impermissible. Moreover, it is ordered to be conducted by the person of the rank of DSP. The number of DSP as per stand of the Union of India required for such an exercise of preliminary inquiry is not available. The direction would mean that even if a complaint made out a cognizable offence, an FIR would not be registered until the preliminary inquiry is held. In case a preliminary inquiry concludes that allegations are false or motivated, FIR is not to be registered, in such a case how a final report has to be filed in the Court. Direction 79.4 cannot survive for the other reasons as it puts the members of the Scheduled Castes and Scheduled Tribes in a disadvantageous position in the matter of procedure vis-à-vis to the complaints lodged by members of upper caste, for latter no such preliminary investigation is necessary. In that view of the matter it should not be necessary to hold preliminary inquiry for registering an offence under the Atrocities Act, 1989."*
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> *(emphasis supplied)*

41. *In a recent decision of a two-Judge Bench in Vinod Dua v. Union of India [Vinod Dua v. Union of India, (2023) 14 SCC 286 : 2021 SCC OnLine SC 414] ,*

a direction of the Court was sought for requiring "that henceforth FIRs against persons belonging to the media with at least 10 years standing be not registered unless cleared by a committee…". In refusing such a prayer, the Court observed that doing so would be akin to instituting a preliminary inquiry which was not mandated by the statutory framework. U.U. Lalit, J. speaking for the Bench held : (Vinod Dua case [Vinod Dua v. Union of India, (2023) 14 SCC 286 : 2021 SCC OnLine SC 414] , SCC para 86)

> *"86. … the directions issued in Subhash Kashinath Mahajan [Subhash Kashinath Mahajan v. State of Maharashtra, (2018) 6 SCC 454 : (2018) 3 SCC (Cri) 124] regarding holding of a preliminary inquiry were not found consistent with the statutory framework. The second prayer made in the writ petition is asking for the constitution of the Committee completely outside the scope of the statutory framework. Similar such exercise of directing constitution of a Committee was found inconsistent with the statutory framework in the decisions discussed above. … Any relief granted in terms of second prayer would certainly, in our view, amount to encroachment upon the field reserved for the legislature. We have, therefore, no hesitation in rejecting the prayer and dismissing the writ petition to that extent."*

42. *In view of the above discussion, we hold that since the institution of a preliminary enquiry in cases of corruption is not made mandatory before the registration of an FIR under CrPC, the PC Act or even the CBI Manual, for this Court to issue a direction to that effect will be tantamount to stepping into the legislative domain. Hence, we hold that in case the information received by CBI, through a complaint or a "source information" under Chapter 8, discloses the commission of a cognizable offence, it can directly register a regular case instead of conducting a preliminary enquiry, where the officer is satisfied that the information discloses the commission of a cognizable offence."*

23. So far as the argument of the learned counsel for the petitioner while placing reliance on the Explanation 1 of Section 13 (1) (b) of the Act, 1988 is concerned that the First Information Report can only be lodged under the provisions of the Act, 1988 where a public servant cannot satisfactorily account for the possession of pecuniary resources or disproportionate assets to his known sources of income, it would be apt to refer to Section 13 of the Act, 1988. For the sake of convenience, Section 13 of the Act, 1988 is reproduced as under:-

"13. Criminal misconduct by a public servant.

(1) A public servant is said to commit the offence of criminal misconduct,-

(a) if he dishonestly or fraudulently misappropriates or otherwise converts for his own use any property entrusted to him or any property under his control as a public servant or allows any other person so to do; or

(b) if he intentionally enriches himself illicitly during the period of his office.

Explanation 1. - A person shall be presumed to have intentionally enriched himself illicitly if he or any person on his behalf, is in possession of or has, at any time during the period of his office, been in possession of pecuniary resources or property disproportionate to his known sources of income which the public servant cannot satisfactorily account for.

Explanation 2. - The expression "known sources of income" means income received from any lawful sources.]

24. From a perusal of Section 13 of the Act, 1988 it emerges that the a public servant is said to commit an offence of criminal conduct if he dishonestly or fraudulently misappropriates or otherwise converts for his own use any property entrusted to him or any property under his control or allows any other person to do so or **he intentionally enriches himself illicitly during the period of his office.**

25. A perusal of Explanation 1 to Section 13 (1) (b) of the Act, 1988 indicates that a person shall be presumed to have intentionally enriched himself illicitly if he is in possession of pecuniary resources or property disproportionate to his known sources of income which the public servant cannot satisfactorily account for..

26. Argument of the learned counsel for the petitioner that as Explanation 1 to Section 13 (1) (b) of the Act, 1988 categorically provides that a person can only be presumed to have enriched himself or to be in possession of pecuniary resources in case he cannot satisfactorily account for the same and as such, an explanation of the public servant has to be taken prior to lodging of the First Information Report under Section 13 of the Act, 1988 is patently misconcieved. The reason is that apart from the fact that Explanation 1 does not indicate anywhere about a prior explanation and thus no words can be read in the statue when the same do not form part of statue. The other aspect is that the Apex Court in the case of **K. Veeeraswami Vs. Union of India- (1991) 3 SCC 655** which judgment though was in the context of Section 5 (1) (e) of the Prevention of Corruption Act, 1947 yet the Apex Court was seized of a matter regarding the legality of the charge sheet which had been submitted without calling for the explanation or giving an opportunity to the public servant to explain the alleged disproportionality between the assets and known source of income. It was argued that the Investigating Officer was required to consider the explanation of the public servant and the charge sheet filed must contain such averment. The failure to mention the requirement would vitiate the charge sheet. The Apex Court negated the same by holding that the said submission completely overlooks the powers of Investigating

Officer. The Apex Court held that the Investigating Officer is only required to collect the material to find out whether offence alleged appears to have been committed but to state that after collection of material, the Investigating Officer must given opportunity to the accused and call upon him to account for the excess of the assets over the known sources of income and then decide whether the accounting is satisfactory or not, would be elevating the Investigating Officer to the position of an inquiry officer or a judge.

27. For the sake of convenience, the relevant observations of the Apex Court in the case of **K. Veeraswami (supra)** are reproduced below:-

"*75. … since the legality of the charge-sheet has been impeached, we will deal with that contention also. The counsel laid great emphasis on the expression "for which he cannot satisfactorily account" used in clause (e) of Section 5(1) of the Act. He argued that that term means that the public servant is entitled to an opportunity before the investigating officer to explain the alleged disproportionality between assets and the known sources of income. The investigating officer is required to consider his explanation and the charge-sheet filed by him must contain such averment. The failure to mention that requirement would vitiate the charge-sheet and renders it invalid. This submission, if we may say so, completely overlooks the powers of the investigating officer. The investigating officer is only required to collect material to find out whether the offence alleged appears to have been committed. In the course of the investigation, he may examine the accused. He may seek his clarification and if necessary he may cross check with him about his known sources of income and assets possessed by him. Indeed, fair investigation requires as rightly stated by Mr A.D. Giri, learned Solicitor General, that the accused should not be kept in darkness. He should be taken into confidence if he is willing to cooperate. But to state that after collection of all material the investigating officer must give an opportunity to the accused and call upon him to account for the excess of the assets over the known sources of income and then decide whether the accounting is satisfactory or not, would be elevating the investigating officer to the position of an enquiry officer or a Judge. The investigating officer is not holding an enquiry against the conduct of the public servant or determining the disputed issues regarding the disproportionality between the assets and the income of the accused. He just collects material from all sides and prepares a report which he files in the court as charge-sheet."*

28. The Apex Court in the case of **Thommandru Hannah Vijaylakshmi (supra)** after considering the judgment of the Apex Court in the case of **K. Veeraswami (supra)** categorically held that as an accused public servant does not have a right to be afforded a chance to explain the alleged disproportionate assets to the Investigating Officer before filing of a charge sheet, **the similar right cannot be granted to the accused before filing of the First Information Report by making a preliminary inquiry mandatory.**

29. From a perusal of the judgments of the Apex Court in the case of **Thommandru Hannah Vijaylakshmi (supra), Sri Channakeshava. H.D (supra) & K. Veeraswami (supra)** and the discussion made above it emerges that the Apex Court after considering the provisions of the Act, 1988 has categorically held that an accused public servant does not have any right to explain the alleged disproportionate assets before filing of the First Information Report.

30. In the instant case also though the writ Court vide order dated 09.10.2021 restrained the respondents from requiring the petitioner to furnish any information pertaining to assets and likewise, the inquiry report dated 19.09.2024 sent along with confidential letter dated 09.10.2024 has also categorically recorded that the explanation of the petitioner has not been taken with regard to disproportionate assets, however, the same will not and cannot resile from the settled proposition of law as laid down by the Apex court in the aforesaid judgments that the accused public servant does not have any right to explain the disproportionate assets prior to lodging of First Information Report. Thus even if the explanation of the petitioner has not been taken, the same would not vitiate the impugned First Information Report.

31. There is another aspect of the matter which has neither been argued by the learned counsel for the petitioner nor by the learned AGA.

32. Perusal of the impugned First Information Report indicates that the impugned First Information Report has been lodged on the basis of findings in the open inquiry which has been conducted by the department in which it has been found that the petitioner has spent an amount of Rs. 55,00,000/- over and above his known source of income. The inquiry report dated 19.09.2024 is part of confidential letter dated 09.10.2024. It is this open inquiry which forms "source" on the basis of which the department has found that the petitioner is possessed of disproportionate assets. The said 'source report' is in fact a kind of preliminary inquiry in which the petitioner has been found to be having disproportionate assets. Thus, once the respondents were in fact having 'source report', as referred to above, consequently, the First Information Report having been lodged on the basis of 'source report', it cannot be said that the statement or version of the petitioner should have been taken prior to lodging of the impugned First Information Report. This aspect of the matter has been considered by the Apex Court in the case of **Sri Channakeshava. H.D (supra)** wherein the Apex Court has held as under:-

"15. In view of the above, it is clear that preliminary enquiry was not mandated in the present case, considering that detailed information was already there before the SP in the form of the source report referred above. We have also gone through the order passed by the SP, directing registration of FIR against respondent no.1, which reflects that the SP had passed that order on the basis of material placed before him in the form of the source report."

33. As regard the various interim orders that have been passed by this Court as indicated in detail above, suffice it to say that apart from the said orders being only interim orders, careful perusal of the said interim orders would indicate that none of the interim orders have considered the settled proposition of law as laid down by the Apex Court in the cases of **Thommandru Hannah Vijaylakshmi (supra), Sri Channakeshava. H.D (supra) & K. Veeraswami (supra)** and as such, the said interim orders will not have applicability in the facts of the instant case.

34. Keeping in view the aforesaid discussion, no case for interference is made out. Accordingly, the writ petition stands dismissed.

May 21, 2026
Pachhere/-

(Pramod Kumar Srivastava,J.) (Abdul Moin,J.)