



2026:AHC-LKO:19125-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL No. - 12 of 2025

Deepak Kumar

.....Appellant(s)

Versus

State of U.P. through its Additional Chief
Secretary, Department of Home Lko. and 3 others

.....Respondent(s)

Counsel for Appellant(s)	: Santosh Kr. Yadav Warsi, Deepak Singh
Counsel for Respondent(s)	: Anand Kumar Singh (S.C.)

Chief Justice's Court

**HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE JASPREET SINGH, J.**

1. This appeal is directed against the order dated 21.11.2024 passed by learned Single Judge in Writ-A No.8927 of 2024, whereby the writ petition filed by the appellant seeking to question the validity of charge-sheet dated 30.04.2024 has been dismissed.
2. The appellant, who was appointed on the post of Constable, PAC in the year 2019, during his posting at Barabanki, an FIR was lodged against him under the provisions of Indian Penal Code and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
3. The respondents in the first instance, invoking the provision of Rule 20 of the U.P. Pradeshik Armed Constabulary Rules, 1948 and dispensed with the services of the appellant.
4. Feeling aggrieved, Writ-A No.29974 of 2021 was filed, which came to be allowed by order dated 15.07.2022, wherein it was held that the nature of the order by which the services were dispensed with, could not be passed without holding inquiry. Apparently, based on the said order of the Court, the charge-sheet dated 30.04.2024 was issued to the appellant, which was questioned by filing the present writ petition.
5. Learned Single Judge, after hearing the parties, came to the conclusion that as the earlier order was set aside by observing that the appellant

needs to be proceeded against in terms of the provisions of Rule 14 of the Uttar Pradesh Police Officers of the Subordinate Ranks (Punishment and Appeal) Rules, 1991, the issuance of charge-sheet cannot be faulted and consequently dismissed the writ petition.

6. Feeling aggrieved, the present appeal has been filed.

7. A Co-ordinate Bench of this Court by order dated 04.04.2025, observing that though criminal proceedings and departmental proceedings can proceed simultaneously, but in the present case, the charge framed by the Department was identical to the police report submitted before the criminal Court, directed that the departmental proceedings may continue, however, final order shall not be passed without leave of the Court.

8. Now, a supplementary affidavit has been filed placing on record judgment dated 06.11.2025, passed by Special Judge (SC/ST Act) Raebareli, *inter alia*, acquitting the appellant of the charges.

9. Based on the said acquittal, submissions have been made that the order impugned passed by the learned Single Judge may be set aside and the charge-sheet may be quashed.

10. Counsel for the respondents submitted that based on the plea now sought to be raised on account of acquittal, the appellant can approach the Inquiry Officer and based on the said acquittal, the Inquiry Officer would submit his report and consequences would follow.

11. We have considered the submissions made and have perused the record.

12. The charge-sheet was issued by the respondents on account of registration of the criminal case against the appellant and the charge-sheet essentially was based on police report along with same witnesses. However, the Co-ordinate Bench of this Court stayed the passing of the final order in departmental proceedings during pendency of the criminal trial.

13. Once the appellant has been acquitted in the criminal trial, the judgment passed by criminal Court needs to be now placed before the

Inquiry Officer, who would take a view based on said acquittal qua the charge(s) framed against the appellant.

14. Insofar as the issuance of charge-sheet and seeking its quashing is concerned, only on account of acquittal, the charge-sheet as such cannot be quashed.

15. Consequently, the appeal filed by the appellant is disposed of.

16. The appellant may place the said judgment passed by the criminal Court before the Inquiry Officer along with his submissions based on said acquittal and it would be required of the Inquiry Officer to take the said acquittal of the appellant into consideration before submitting his report. The action pursuant to the appellant approaching the Inquiry Officer be taken with utmost expedition.

(Jaspreet Singh,J.) (Arun Bhansali,CJ.)

March 17, 2026

Rakesh/-