



2026:AHC-LKO:21589

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 482 No. - 2238 of 2026

Amit Kumar Srivastava

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko. And 3
Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Dhirendra Pratap Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 15

HON'BLE BRIJ RAJ SINGH, J.

1. This application under Section 482 Cr.P.C. has been filed seeking setting aside of the revisional order dated 22.09.2025 passed by II Additional Sessions Judge, Raebareli (in short "revisional Court") in Criminal Revision No. 2665 of 2024 as well as impugned order dated 07.09.2024 passed by the Additional Chief Judicial Magistrate-I, Raebareli (in short "Magistrate") in Warrant and Summons Criminal Case No. 18138 of 2023, with further prayer to allow the application under Section 200 CrPC filed by the applicant.

2. It is a case of the applicant that the applicant was appointed as Recruiter on 10.03.2014 in the Company of the answering-opposite party nos.2 to 4 namely Gyan Nidhi Consultancy Private Limited (in short "Company") engaged in IT recruitment service in USA from India. He worked in the Company till March, 2023 when he was ousted from service forcefully and in a forged manner. After being ousted from service, the applicant enquired of the reason and came to know that the Company has prepared some forged documents for illegal gain.

3. It has been submitted that the applicant filed an application under Section 200 CrPC on 07.06.2023 alleging that Gyan Saxena and Nidhi Saxena were running a Company engaged in IT recruitment service in USA from India and Arvind Bajpai is the manager of the Office at Lucknow, and the applicant was selected and appointed as a Recruiter in

the company on 10.03.2014 and he had been paid salary in his account till March 2023, when his services were terminated by the Company forcefully and they have not given the requisite papers as salary slip, increment certificate, Form 16 etc. When the applicant demanded the same from the Company through a legal notice but the same have not been provided which are the main evidence against them regarding financial fraud, and the proposed-accused have terminated his services for illegal gains and to illegal loss to the applicant, by committing fraud with the applicant and the proposed-accused have prepared forged documents to subjected him to illegal loss.

4. It has been further submitted that the the statement of the applicant was recorded under Section 200 CrPC on 25.09.2023 and at the same time, Inquiry Report was called by the Magistrate from the police under Section 202(1) CrPC wherein the Police filed the Inquiry Report on 17.08.2024 wherein the statement of the proposed-accused Arvind Bajpai was recorded and he has stated that the applicant has already moved an application dated 31.12.2017 for resignation from service.

5. It has been further submitted that the Magistrate, after considering the statements under Sections 200 and 202 CrPC, has dismissed the complainant, vide impugned order dated 07.09.2024, without appreciating the fact that the proposed-accused have forged the papers to subject the applicant to illegal loss.

6. It has been further submitted that Criminal Revision No. 2665 of 2024 filed before the Revisional Court has also been dismissed, vide impugned order dated 22.09.2025. Hence, the instant application has been filed.

7. The applicant has specifically taken a plea that in fact, the applicant had not given the resignation rather it has been forged by the proposed-accused, therefore, they have committed the offense and they are liable to be prosecuted. It has also been submitted by the applicant that he has also filed a case before the Labour Tribunal registered as Case No.44 of 2024 for the service dispute, which is pending till date.

8. Heard Sri Dharendra Pratap Singh, learned counsel for the applicant, learned AGA for the State and perused the record.

9. It appears from a bare perusal of the complaint that there is service dispute between the applicant and the answering opposite party nos.2 to 4. The applicant has himself given averment in para 13 of the application that he has filed case before the Labour Tribunal for service dispute. It is, of course, a fit case where the Labour Court can take decision in the case because the entire facts of the complaint indicate that there is service dispute between the applicant and the answering opposite party no.2. The police has also submitted the report under Section 202(1) CrPC, which also does not support the case of the applicant. The matter is essentially involves a service dispute, therefore, both Courts below have not interfered in the case of the applicant and the impugned orders need no interference. The application is rejected.

(Brij Raj Singh,J.)

March 26, 2026

Mohit Singh/-