



2026:AHC:124688-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 9526 of 2026

Rajjan Lal Shrivastava

.....Petitioner(s)

Versus

State of U.P. and 3 others

.....Respondent(s)

Along with :

1. Criminal Misc. Writ Petition No. 9482 of 2026:

Raghvendra Singh @ Raghvendra Singh Chauhan

Versus

State of U.P. and 3 others

Counsel for Petitioner(s)	:	Anshul Kumar Gupta, Hanuman Prasad Kushwaha, Indra Jit Singh, Sr. Advocate
Counsel for Respondent(s)	:	G.A.

Court No. - 39

HON'BLE SAUMITRA DAYAL SINGH, J.
HON'BLE SATYA VEER SINGH, J.

1. Heard Sri Hanuman Prasad Kushwaha and Sri Indra Jit Singh, learned counsel for the petitioners and learned A.G.A. for the State.

2. The present writ petitions have been filed with the following reliefs:-

"I. A Writ, order or direction in the nature of certiorari quashing the F.I.R. dated 07.04.2026 registered as Case Crime No. 382 of 2026, under Section 316(5) of B.N.S., 2023, Police Station Kotwali Lalitpur, District Lalitpur (Annexure no. 1).

II. A Writ, order or direction in the nature of mandamus directing the respondent authorities not to arrest the Petitioners in Case Crime No. 382 of 2026, under Section 316(5) of B.N.S., 2023, Police Station Kotwali Lalitpur, District Lalitpur (Annexure no. 1)."

3. No ground is made out to offer interference, in the present case.

4. The substantive FIR allegations exist both against Rajjan Lal Shrivastava and Raghvendra Singh @ Raghvendra Singh Chauhan. While the former is the go-down incharge and latter is the Cadre Secretary, counsel for each

petitioner would assert that main allegation of misappropriation of 2070.96 quintals of wheat, is attributable to the misconduct of the other. Thus, learned counsel for petitioner-Raghvendra Singh @ Raghvendra Singh Chauhan would submit that Rajjan Lal Srivastava was Store Incharge. He had misappropriated the quantities of wheat and that during the course of departmental proceedings he has undertaken to deposit the deficient amount. Describing Raghvendra Singh @ Raghvendra Singh Chauhan as Cadre Secretary who did not discharge any responsibility with respect to the affairs of the store or the purchase center, he has put the entire blame on Rajjan Lal Srivastava.

5. In equal measure, learned counsel for Rajjan Lal Srivastava would submit that entire occurrence was caused by Raghvendra Singh @ Raghvendra Singh Chauhan. He relies on the FIR allegations, in support of his case. Thus, he too claims his innocence. Further, merely because Rajjan Lal Srivastava may have undertaken to pay the amount as has been recorded in the order dated 12.06.2025 passed in Writ-A No. 6822 of 2025, may not make any difference to the criminal liability that has given rise to the present litigation. To the extent one transaction may give rise to two consequences - one civil and the other criminal, the proceedings for the criminal offence may stand on their own footing.

6. On the other hand, learned A.G.A. would submit, fact allegations exist against both the accused persons. To the extent there is no reason to doubt the basic fact allegation of almost 2071 quintals of wheat misappropriated valued at Rs. 55 lacs, investigation is still continuing, therefore, no interference is warranted in such facts.

7. Having heard learned counsel for the parties and having perused the record, to the extent both the petitioners are described as accused persons in the recital contained in the writ petitions, it may make no difference to the merits of the case that Pappi Yadav is not described as an accused person against the relevant column in the FIR form as he is named in the detailed narration of the occurrence in the FIR.

8. With respect to the objections being raised on behalf of other accused Rajjan Lal Srivastava, fact allegations exist. No inference may be drawn at this preliminary stage, either as to innocence or guilt of the petitioners. Suffice to note, fact allegations of embezzlement of large quantity of wheat

procured under a Government scheme, exist. There is no effective denial to that fact occurrence. All other facts as to the role played by individual petitioners and the extent to which they may or may not be charged, may be commented upon after completion of investigation.

9. Accordingly, interference claimed under Article 226 of the Constitution of India is declined.

10. The writ petitions are **disposed of** leaving it open to the petitioners to avail the statutory remedies in accordance with law.

June 2, 2026
sailesh

(Satya Veer Singh,J.) (Saumitra Dayal Singh,J.)