

GAHC020000552025

2026:GAU-NL:76



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
KOHIMA BENCH

Case No. : MC(CRL)/2/2025

E N KITHAN
FOMERLY DIRECTOR
DEPT. OF LAND RECORD AND SURVEY
GOVT. OF NAGALAND AT DIMAPUR
(SERVED DURING 3RD JUNE 2014- 31ST DEC 2023)

VERSUS

STATE OF NAGALAND AND 2 ORS
THROUGH ITS SECRETARY
DEPT. OF LAND RECORD AND SURVEY
GOVT. OF NAGALAND
NAGALAND, KOHIMA

2:THE NAGALAND LOKAYUKTA
THROUGH ITS SECRETARY
BELOW NEW SECRETARIAT
NAGALAND
KOHIMA

3:INSPECTOR GENERAL OF POLICE AND DIRECTOR
HOD AND OFFICER INCHARGE
LOKAYUKTA POLICE STATION
NAGALAND
KOHIM

Advocate for the Petitioner : N Z LOTHAN, SHUBHI SRIVASTAVA, PRINCE KUMAR

Advocate for the Respondent : GOVT ADV NL,

BEFORE
HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER

ORDER

20.02.2026

The instant application under Section 482 CrPC/528 of the BNSS, 2023 R/W Article 227 of the Constitution of India, has been filed praying for quashing of the proceedings in respect of Case No. A.VIG-17/2015, which was initially registered by the erstwhile Vigilance Police Station and since transferred to the Lokayukta, Nagaland under the provisions of Section 36(3) of the Nagaland Lokayukta Act, 2017.

2. Heard learned counsels, Mr. S.K. Srivastava and Mr. N.Z. Lotha for the petitioner and also heard Mr. Veto V. Zhimomi, learned Government Advocate for the respondent no. 1. In respect of respondent nos. 2 and 3, steps had been taken by the petitioner by dasti service and compliance affidavit to that effect has been filed. Therefore, the service on respondent nos. 2 and 3 is complete. However, none appeared for the respondent nos. 2 and 3 throughout the proceedings of the instant application and today also when the matter is taken up for admission hearing, none appears for the respondent nos. 2 and 3.

3. The facts relating to the filing of the present case is that the petitioner was serving as Director in the Department of Land Records & Survey, Government of Nagaland from 03.06.2014 to 30.06.2023. The erstwhile Vigilance Police Station, in the year 2015 vide Office Note dated 20.04.2015, had initiated a criminal proceeding against the petitioner without registration of any FIR as mandated under Section 154 and 157 of the CrPC. There was no information about the commission of any

cognizable offence and there was no informant reporting about the commission of a cognizable offence by the petitioner. There was, therefore, no FIR registered under the CrPC.

4. It is the case of the petitioner that the erstwhile Vigilance Police Station, basing on a CAG Audit Report for the year 2013-2014, initiated a criminal proceeding against the petitioner basing on the Office Note of the IGP and Director (Vigilance) dated 20.04.2015 and a case was registered as Vigilance Police Station case No. A.VIG-17/2015 dated 20.04.2015. Subsequently, w.e.f. 21.12.2018, the criminal case stood transferred to the Office of the Lokayukta, Nagaland by virtue of the enabling authority of Section 36(3) of the Nagaland Lokayukta Act, 2017, which could not have been done as there was no government notification as a 'police station' in terms of Section 2 (s) of the CrPC, and there was no 'officer in charge of a police station' notified by the State Government in terms of Section 2 (o) of the CrPC in the office of the Nagaland Lokayukta.

5. The learned counsel for the petitioner submits that the report of the CAG basing on which the investigation was initiated is a mere report and tentative in nature; it is not final and it is for the Government Department concerned to take steps on the same as advised. It is stated that the petitioner has since retired on 30.06.2023 but till date, no disciplinary proceeding has been initiated against him by the department concerned implying that the government did not find it fit to act on the tentative CAG report.

6. Learned counsel submits that ever since the criminal proceedings

were initiated against him in the year 2015, the case is still pending adjudication and even after the passage of 11 (eleven) years, the investigating agency has neither filed any final report or charge-sheet under Section 173 of the CrPC, causing immense physical and mental harassment to the petitioner.

7. Referring to the affidavit-in-opposition filed by the respondent no. 1, the learned counsel for the petitioner submits that it is reflected in the affidavit that the Upa-lokayukta, by an Order dated 20.03.2025 has disposed of the case No. A.VIG-17/2015. The State respondent in the affidavit had also stated that the matter has become infructuous because of the fact that the Upa-lokayukta, Nagaland has already disposed of the matter and it was disposed with a recommendation that, *"the Government should put in place a proper check/control system, if not already in place when such projects are implemented by any department of the State Government"*. Learned counsel submits that a criminal case could not become infructuous nor could it have been disposed of by the learned Upa-lokayukta.

8. Learned counsel has also drawn the attention of this Court to the affidavit-in-reply filed by the petitioner to the affidavit of the State respondents. In the affidavit-in-reply, the petitioner states that in the present case, no investigation was initiated under Section 156(1) of the CrPC by the police nor was any investigation directed by the competent magistrate under Section 156(3) of the CrPC nor was the process initiated by the court of competent jurisdiction under Section 203 of the CrPC by making an inquiry nor any leave was granted by the competent court

under Section 173(8) of the CrPC for carrying out further investigation by the Vigilance Police Station, Kohima.

9. Learned counsel further places reliance on the additional affidavit filed by the petitioner. Learned counsel states that in the Annexure-A-10 to the said affidavit, the petitioner has enclosed a copy of a Letter written to the Accountant General (Audit), Nagaland dated 13.06.2014 from the Secretary to the Government of Nagaland, Department of Land Revenue in which the Government had informed the Accountant General that the purported misappropriation of NLRMP fund has been conceived due to communication gap between the Director and the District Offices of the Department and accordingly, the Accountant General Nagaland was requested to drop the matter. The said Letter dated 13.06.2014 is reproduced herein below:

*"GOVERNMENT OF NAGALAND
LAND REVENUE DEPARTMENT*

NO.LR/8-40/2008 (PT-IV)

Dated Kohima, the 13th June, 2014

To,

*The Accountant General (Audit)
Nagaland, Kohima*

*Sub: **PARA RELATING TO MISAPPROPRIATION OF NLRMP FUND**
₹ 1.24 CRORE*

Sir,

I am to forward herewith Letter No. DP/1-13/2013-14/75 Dt. 08.04.14 along with its enclosures on the subject cited above and to state that the purported misappropriation of NLRMP Fund have been conceived due to communication gap between the Directorate and the District Offices of the Department. On cross verification of the available documents, it is understood that transactions have been carried out with the District offices during the predecessors of the Officers presently posted and thus irregularities in fund appropriation have not been established. You are therefore requested to kindly

drop the matter in accordance with the reply of the Director, LR&S.

Sd/-

(Y.L. Jami) IAS

Secretary to the Govt. of Nagaland

Dated Kohima, the 13th June, 2014"

10. Learned counsel, therefore, submits that in view of the Letter 13.06.2014 written by the Government to the Accountant General, Nagaland, it is apparent that there was no case and that the State Government was not aggrieved. However, without considering the State Government's stand in this matter which is apparent from the Letter dated 13.06.2014, the Vigilance Police Station had initiated the criminal proceedings against the petitioner on 20.04.2015, without considering the letter dated 13.06.2014.

11. The learned counsel for the petitioner further submits that the CAG Report in question relates to the year 2013-2014. The Financial Year always starts from March to March of the next year. The petitioner became Director of Land Records & Survey, Nagaland only on 03.06.2014 and, therefore, the period under consideration in the CAG Report, *i.e.*, March 2013 to March 2014, was before the petitioner took over as the Director of the Department. Learned counsel also submits that till date, no Departmental proceeding has been initiated against him in relation to the allegations of misappropriation in the said CAG Report. In this regard, the learned counsel relies on the case of ***Ashoo Surendranath Tiwari Versus The Deputy Superintendent of Police, EOW, CBI & Another*** reported in **2020 INSC 537** wherein the Hon'ble Supreme Court had held that when the allegations in departmental proceeding as well as the criminal proceeding

is identical and the exoneration of the person concerned in the departmental proceeding is on merits, the trial of the person concerned in a criminal proceeding shall be an abuse of the process of the court. Learned counsel, therefore, submits that in the present case, the government authorities did not even find it fit to institute a departmental inquiry against the petitioner, hence the initiation of criminal proceedings against him is without any basis and is an abuse of the process of law.

12. Learned counsel further submits that as the initial action of the erstwhile Vigilance Police Station initiating a criminal proceeding merely on the basis of an Office Note without any FIR is illegal, therefore all the subsequent actions shall also be illegal and void. In this context, the learned counsel places reliance on the case of ***State of Punjab Versus Davinder Pal Singh Bhullar & Others*** reported in ***(2011) 14 SCC 770***, wherein the Hon'ble Supreme Court held that if any initial action is not in consonance with law all subsequent and consequential proceedings would fall through for the reason that illegality strikes at the root of the order. Therefore, since the initiation of the criminal proceeding against the petitioner was not in accordance with Section 154, 156 or 157 of the CrPC all further proceedings consequent to it will be *non est* and void and have to be set aside.

13. In view of the above submissions, the learned counsel for the petitioner submits that the criminal proceedings, *i.e.*, A.VIG-17/2015 dated 20.04.2015 being a nullity cannot be sustained and, therefore, prays that all subsequent proceedings and orders and investigation, if any, may be quashed and set aside by exercising the inherent power of this Court

under Section 528 of the BNSS.

14. Learned Government Advocate, Mr. Veto V. Zhimomi appearing for the respondent no. 1 has submitted on the basis of his affidavit-in-opposition that the Upa-Lokayukta has disposed of the Vigilance Police Case No. A.VIG-17/2015 dated 20.04.2015, by an Order dated 20.03.2025 by recommending *"that the Government should put in place a proper check/control system when such projects are implemented by any Department of the State Government"*. He also submits that the instant matter has become infructuous as the case has been disposed of and the State Government is yet to take a decision on the Order dated 20.03.2025 passed by the learned Upa-lokayukta. He, therefore, submits that the present petition being infructuous may, therefore, be disposed of as such.

15. This Court has considered the submissions of the counsels for the opposing parties. The Court has also observed that the respondent nos. 2 and 3 are the main respondents in this case, however, they have chosen not to appear inspite of notice. The Court has also perused the pleadings of the petitioners and respondent no. 1 and the enclosures therein.

16. Section 154 of the CrPC mandates that *"Every information relating to the commission of a cognizable offence, if given orally to an officer in charge of a police station, shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government*

may prescribe in this behalf”.

17. Section 157 of the CrPC stipulates the procedure for investigation:

“(1) If, from information received or otherwise, an officer in charge of a police station has reason to suspect the commission of an offence which he is empowered under section 156 to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence upon a police report and shall proceed in person, or shall depute one of his subordinate officers not being below such rank as the State Government may, by general or special order, prescribe in this behalf, to proceed, to the spot, to investigate the facts and circumstances of the case, and, if necessary, to take measures for the discovery and arrest of the offender;

Provided that—

a) when information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the officer in charge of a police station need not proceed in person or depute a subordinate officer to make an investigation on the spot;

b) if it appears to the officer in charge of a police station that there is no sufficient ground for entering on an investigation, he shall not investigate the case.

Provided further that in relation to an offence of rape, the recording of statement of the victim shall be conducted at the residence of the victim or in the place of her choice and as far as practicable by a woman police officer in the presence of her parents or guardian or near relatives or social worker of the locality.

(2) In each of the cases mentioned in clauses (a) and (b) of the proviso to Sub-Section (1), the officer in charge of the police station shall state in his report his reasons for not fully complying with the requirements to that Sub-Section, and, in the case mentioned in clause (b) of the said proviso, the officer shall also forthwith notify to the informant, if any, in such manner as may be prescribed by the State Government, the fact that he will not investigate the case or

cause it to be investigated.

18. The Code of Criminal Procedure, therefore, contemplates two kinds of FIRs as laid down in the case of ***Lalita Kumari Versus Government of Uttar Pradesh & Others*** reported in **2014 (2) SCC 1:**

"97. The Code contemplates two kinds of FIRs. The duly signed FIR under Section 154(1) is by the informant to the concerned officer at the police station. The second kind of FIR could be which is registered by the police itself on any information received or other than by way of an informant [Section 157(1)] and even this information has to be duly recorded and the copy should be sent to the Magistrate forthwith".

According to ***Lalita Kumari (supra)***:

"Conclusion/Directions:

111. In view of the aforesaid discussion, we hold:

(i) 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.

(ii) 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.

(iii) If the inquiry discloses the commission of a cognizable offence, the FIR must be registered. In cases where preliminary inquiry ends in closing the complaint, a copy of the entry of such closure must be supplied to the first informant forthwith and not later than one week. It must disclose reasons in brief for closing the complaint and not proceeding

further.

(iv) The police officer cannot avoid his duty of registering offence if cognizable offence is disclosed. Action must be taken against erring officers who do not register the FIR if information received by him discloses a cognizable offence.

(v) 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.....”

19. A duly registered FIR therefore is sacrosanct at the entry point to initiate a criminal case, which is missing in the instant case. A perusal of the Office Note dated 21.04.2015 does not show any information about the commission of any cognizable offence and also does not indicate under what section of law the case was registered. The relevant portion of the Office Note is reproduced as below:

*"Allegation furnished in the CAG report **Para-2.6** against The Director, **Land Records and Survey Department** for drawing Rs. 1.24 crore meant for implementation of National Land Records Modernisation Programme on the basis of forged Actual Payee Receipts in the name of three District land Records and Survey Officers.*

As directed by the IGP & Director (Vig.) on the above allegation a case has been registered in the Vigilance Police Station."

There is also no informant and if there was no informant the information derived from the CAG Report had to be duly recorded and sent to the competent Magistrate/Special Judge PC Act of the Vigilance Commission as mandated by Section 157 CrPC. From the documents available on record, this Court finds that no information about the commission of any cognizable offence was received by the Vigilance Police Station from any

informant at any point of time nor was an FIR registered by the vigilance police itself on any information received or other than by way of an informant and no information was duly recorded and copy sent to the Magistrate forthwith.

20. As far as the CAG Report is concerned the Government Department concerned is to take further steps basing on the Report of the CAG. As indicated in the Letter dated 13.06.2014, written by the Secretary to the Government of Nagaland, Department of Land Revenue, it is seen that the Government had duly informed the Accountant General's Office that the commission of alleged irregularities by the petitioner were factually incorrect and was not accepted by the Government of Nagaland. By Letter dated 13.06.2014, the Government had, therefore, requested the Accountant General's Office to drop the matter. Having said that, it is the view of this Court that an FIR cannot be registered solely because the CAG Report flags certain irregularities, unless the narrations amount to information of commission of a cognizable offence. The presence of credible material sufficient to disclose cognizable offence is what matters, even if the information refers to an audit observation. And if the information discloses a cognizable offence, registration of an FIR is mandatory according to ***Lalita Kumari (supra)***. In the present case there is no 'FIR' as mandated by the law.

21. In the opinion of this Court, upon examining the facts and circumstances, the mandatory requirements under Section 154 and 157 of the CrPC has not been complied with by the erstwhile Vigilance Police Station at the time of initiating criminal proceedings against the present

petitioner. In the present case, there was no lawfully instituted investigation and, hence, the entire proceeding is illegal and unsustainable in law.

22. Another disturbing factor which has come to the notice of this Court during the hearing of this case is that the Upa-Lokayukta has disposed of the criminal case registered as A.VIG-17/2015 dated 20.04.2015 vide order dated 20.03.2025. The petitioner in his pleadings has contended that the case No.A.VIG-17/2015 which was initially registered by the erstwhile Vigilance Police Station was transferred to the Lokayukta, Nagaland under the provisions of Section 36(3) of the Nagaland Lokayukta Act, 2017 and the proceedings were continued by the Upa-Lokayukta. Section 36 (3) reads as under:

(3) All inquiries and investigations and other disciplinary proceedings pending before the Nagaland State Vigilance Commission and which have not been disposed of, shall stand transferred to and be continued by Lokayukta as if they were commenced before him under this Act.

23. In order to transfer the criminal investigations pending before the Nagaland State Vigilance Commission, the officers of the Nagaland Lokayukta should have been conferred with police powers under the CrPC to enable them to continue with the investigation. Alternatively, the pending criminal investigations should have been transferred to a competent police station. Such a serious anomaly in the functioning of the Lokayukta cannot be ignored by this Court while examining the instant

case under Section 482 CrPC/528 of the BNSS, 2023 R/W Article 227 of the Constitution of India. Article 227 empowers every High Court to exercise superintendence over all courts and tribunals in its territorial jurisdiction. This power is founded upon the need to maintain judicial discipline, avoid miscarriage of justice, and maintain the purity of the judicial process at the lower level. Under Article 227, the High Court does not act as an appellate court to re-evaluate evidence, but rather to ensure the Lokayukta does not exceed its authority or act illegally.

24. Criminal proceedings can be closed only under the CrPC by the Police by filing a closure report under Section 173 CrPC which is accepted by the competent Magistrate; or by the trial court by acquitting or discharging the accused; or by the High Court in a petition under Section 482 CrPC/528 BNSS. The Lokayukta/Upa-Lokayukta is neither a Court nor a Tribunal. The Upa-Lokayukta could not have disposed of the Vigilance police station case No.A.VIG-17/2015. In the case of ***Justice Chandrashekaraiah (retd) Vrs Janekere C.Krishna & others***, reported in ***(2013) 3 SCC 117***, the Hon'ble Supreme Court succinctly explained the powers and functions of the Lokayukta/Upa-Lokayukta:

"107. The broad spectrum of functions, powers, duties and responsibilities of the Upa-Lokayukta, as statutorily prescribed, clearly bring out that not only does he perform quasi-judicial functions, as contrasted with purely administrative or executive functions, but that the Upa-Lokayukta is more than an investigator or an enquiry officer. At the same time, notwithstanding his status, he is not placed on the pedestal of a judicial authority rendering a binding decision. He is placed somewhere in between an investigator and a judicial authority, having the elements of both. For want of a better expression,

the office of an Upa-Lokayukta can only be described as a sui generis quasi-judicial authority.

(iii) Decisions on the subject

108. The learned counsel for the State referred to Bharat Bank Ltd. vrs Employees to highlight the difference between a court and a tribunal. It is not necessary to go into this issue because the question is not whether the Upa-Lokayukta is a court or a tribunal the question is whether he is a quasi-judicial authority or an administrative authority. To this extent, the decision of the Constitution Bench does not add to an understanding of the issue under consideration. However, the decision does indicate that an Upa-Lokayukta is certainly not a court. He does not adjudicate a lis nor does he render a "judicial decision" derived from the judicial powers of the State. An Upa-Lokayukta is also not a tribunal, although he may have the procedural trappings (as it were) of a tribunal. The final decision rendered by the Upa-Lokayukta, called a report, may not bear the stamp of a judicial decision, as would that of a court or, to a lesser extent, a tribunal, but in formulating the report, he is required to consider the point of view of the person complained against and ensure that the investigation reaches its logical conclusion, one way or the other, without any interference and without any fear. Notwithstanding this, the report of the Upa-Lokayukta does not determine the rights of the complainant or the person complained against. Consequently, the Upa-Lokayukta is neither a court nor a tribunal. Therefore, in my opinion, the Upa-Lokayukta can best be described as a sui generis quasi-judicial authority".

25. Therefore, the case registered as A.VIG-17/2015 dated 20.04.2015 could not have become infructuous due to disposal by the Upa-Lokayukta as there is no provision under the law for a criminal case to become infructuous. Nor did the Upa-Lokayukta have the jurisdiction or power to dispose of the criminal proceeding.

26. Section 36 (4) of the Nagaland Lokayukta Act, 2017 states: "(4) *Notwithstanding anything contained in this Act, initially the staff of the Lokayukta shall consists of the posts of the Nagaland State Vigilance Commission*". In view of Section 36 (4) the officers and staff of the erstwhile State Vigilance Commission became the staff and officers of the Nagaland Lokayukta. The petitioner has annexed a copy of Notification No.CON-248/75 dated 21st August 1999 in the petition as Annexure A-2. The said Notification reveals that the erstwhile Office of the Director of Vigilance & Anti- Corruption Nagaland had been declared as a 'police station' under Section 2 (s) of the CrPC by a Notification No.CON-248/75 dated 1st June 1976. Further by the Notification No.CON-248/75 dated 21st August 1999, the Government of Nagaland declared the Director of Vigilance & Anti- Corruption Nagaland to be the Officer-in-charge of the Vigilance Police Station in terms of Section 2 (o) of the CrPC. Further, the Director and the officers of the Directorate of Vigilance & Anti-corruption were also deemed to be Police Officers of the Vigilance Police Station. The Notification dated 21st August 1999 reads as under:

"GOVERNMENT OF NAGALAND

HOME DEPARTMENT: POLITICAL BRANCH

Notification

No. CON-248/75

Dated: Kohima the 21st August '99

Whereas the State Government of Nagaland declared the office of the Director of Vigilance & Anti-corruption Nagaland to be a Police Station under section 2(s) of the Code of Criminal Procedure 1973, vide Government of Nagaland Notification No. CON-248/75 dated 1st June, 1976.

Whereas, the said Notification does not state the provision of the offences under

which the Police Station shall have jurisdiction. This has invariably caused some confusion while defining and implementing its duties and functions.

Now, therefore, the said Notification No. CON-248/75 dated 1st June, 1976 is hereby amended as follows:- And the following shall be added.

Now, therefore, the Government of Nagaland in Exercise of the power (in spirit) conferred by section 2(o) of the Code of Criminal Procedure Code of 1974 declared that the Director of Vigilance & Anti-corruption Nagaland to be the Officer-in-Charge of the Vigilance Police Station for the whole State of Nagaland with Headquarters at Kohima. Further, the Director and the officers of the Directorate of Vigilance & Anti-corruption shall deemed to be Police Officers of the Vigilance Police Station and have jurisdiction and powers to investigate into offences punishable under the following sections of law, as scheduled below:-

- 1. All offences under the Prevention of Corruption Act, 1988.*
- 2. Section 406 to 409 IPC and 417 to 420 IPC*
- 3. Section 471 to 477A IPC.*
- 4. All offences under the Official Secrets Acts, 1923.*
- 5. All offences under the Assam maintenance of Public order Act, 1947*
- 6. Attempts, abetments and conspiracies of offences in item 1 to 5 above, by whosoever committed.*
- 7. Any other particular offence or offences that may be specified by the State Government.*

Sd/-

(A.M. Gokhale)

Chief Secretary,

Nagaland: Kohima

No. CON-248/75

Dated: Kohima the 21st August '99

Copy to:

1. *The Special Secretary to the Chief Minister of Nagaland.*
2. *The Vigilance Commissioner, Nagaland.*
3. *The Director General of Police, Nagaland.”*

27. No such declarations/notifications were issued in respect of the Lokayukta officers and staff when the officers and staff of the erstwhile State Vigilance Commission were brought over as the staff and officers of the Nagaland Lokayukta, nor does the Lokayukta Act contain such deeming provision. The Nagaland Lokayukta Act 2017 may allow inquiries but unless the Act deems its officers as police officers or declares its office a ‘police station’ under Section 2 (s) CrPC/2(1)(u) BNSS and declare the officer in charge under Section 2(o) CrPC/2(1)(R) BNSS they cannot investigate offences under the CrPC or any other special laws/P.C Act. An organization without statutory backing cannot register FIRs or investigate offences under the CrPC.

28. In the case of ***Anukul Singh Vrs State of Uttar Pradesh and Another***, reported in ***2025 INSC 1153***, the Hon’ble Apex court held that:

"11.5. Thus, the cumulative principles that emerge are: while the jurisdiction under Section 482 Cr.P.C is extraordinary and must be exercised sparingly, it is the duty of the High Court to intervene where continuation of criminal proceedings would amount to an abuse of process of law."

29. In view of the observations made hereinabove, this Court is of the view that the petitioner has made out a case for the interference of this

Court under Section 482 CrPC/528 of the BNSS as the continuance of the proceedings in Case No.A.VIG-17/2015 would amount to an abuse of the process of law and, therefore, the case No. A.VIG-17/2015 dated 20.04.2015 initiated by the erstwhile Vigilance Police Station is hereby quashed and set aside in as far as the petitioner is concerned. As a result, the subsequent Order dated 20.03.2025 passed by the Upa-Lokayukta is also set aside as the law is settled that if any initial action is not in consonance with law all subsequent and consequential proceedings would fall through.

30. Petition is disposed of.

31. The Registrar, Gauhati High Court, Kohima Bench is directed to furnish a copy of this Order to the Chief Secretary to the Government of Nagaland.

JUDGE

Comparing Assistant