

Baldev Sharma vs. Union of India & others

CWP No. 2256 of 2021

05.01.2024 **Present:** Mr. Dalip K. Sharma, Advocate, for the petitioner.

Mr. Balram Sharma, Deputy Solicitor General of India for respondents No. 1 to 6.

Mr. Anshul Bansal, Advocate, for respondent No.7.

CMP No. 5493 of 2023

The present petition in the case at hand had been filed on 31.03.2021. At the time, when the petition was filed following relief was sought:

“(a) That a Writ Certiorari may be issued for quashing and set-aside the impugned Annexure P-9, 18.01.2019 and convening order dated 10.02.2021.”

A perusal of Annexure P-9 dated 18.01.2019 reflects that Senior Accounts Officer (Funds) by virtue of the aforesaid letter had sought to recover an amount of Rs.(-)15,18,598/- from concerned individuals. The convening order which is also sought to be quashed is appended alongwith the petition, as Annexure P-14, dated 10.02.2021.

In the aforesaid backdrop, vide order dated 07.04.2021, Annexure P-9, Annexure P-14 and so also the proceedings initiated in pursuance thereto were stayed.

At the time, when the petition was filed Central Bureau of Investigation was not a party. The Central Bureau of Investigation was impleaded, as a party vide order dated 22.08.2023. The FIR registered by the Central Bureau of Investigation came into existence on 27.04.2022. The aforesaid FIR has been filed under Section(s) 120-B, 409, 420, 467, 468, 471, 477-A of the Indian Penal Code & Section 13(2) read with Section 13(1)(d) of the PC Act, 1988.

The present application has been filed by the Central Bureau of Investigation to pursue investigation in FIR registered on 27.04.2022, at CBI, ACB, Guwahati, Assam for Offences punishable under Section(s) 120-B, 409, 420, 467, 468, 471, 477-A of the Indian Penal Code & Section 13(2) read with Section 13(1)(d) of the PC Act, 1988.

From the aforesaid facts and attending circumstances, it is clearly evident that the FIR so registered by the Central Bureau of Investigation was not in controversy in the present matter, as the same did not exist at the time of filing of the present Writ Petition. As on date there is no impediment for Central Bureau of Investigation to proceed with investigation in the present FIR.

A particular transaction or particular act may have numerous ramifications i.e. Civil, Criminal and Departmental (service law).

In the case at hand, it is only the departmental proceedings, which are the subject matter of controversy. Hence, even on this account there is no impediment for the Central Bureau of Investigation to proceed further with the investigation of the FIR, so registered by the Central Bureau of Investigation. Investigation in pursuance of an FIR is only to ascertain the true facts therefore also investigation in the case at hand cannot be stayed. The Central Bureau of Investigation is free to investigate with respect to the FIR so registered.

Application stands disposed of.

CWP No. 2256 of 2021 & CMP No. 4957 of 2022.

List in the second week of March, 2024.

(Bipin C. Negi)
Judge

January 5, 2024
(Nisha)