



HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 4266 of 2026

Arun Kumar Menon

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anshuman Saxena, Shivam Singh
Counsel for Respondent(s)	:	G.A.

Court No. - 47

HON'BLE J.J. MUNIR, J.
HON'BLE ACHAL SACHDEV, J.

An affidavit of compliance has been filed on behalf of Commisisoner of Police, Gautam Buddh Nagar today, which is taken on record.

It is submitted by the learned Additional Government Advocate on the basis of affidavit of compliance that during investigation, since the offences punishable under Sections 7/13 Prevention of Corruption Act were not made out, the investigation was transferred to a Sub-Inspector who had filed an final report regarding the Penal Code offences on 04.10.2022 before the Special Judge (Prevention of Corruption Act). The learned judge vide order dated 22.12.2025 rejected the final report and directed re-investigation by a competent officer specifically instructing that points raised in the protest petition be thoroughly examined. This position has been admitted in the affidavit of compliance filed by the Commissioner of Police, Gautam Buddh Nagar.

Learned counsel for the petitioner has drawn our attention to the order dated 22.12.2025 passed by the learned Special Judge (Prevention of Corruption Act), Court No.2, Meerut, where the learned Judge has rejected not only the final report vis-a-vis the offences under Sections 420, 409, 120-B IPC but Sections 7/8 Prevention of Corruption Act as well.

This order has been passed with reference to Case Crime No.160 of 2022 and final report dated 04.10.2022. Once the final report relating to the offences under the Prevention of Corruption Act, which the

learned Judge has indicated to be ones under Sections 7/8 Prevention of Corruption Act has been rejected together with the final report under Penal Code offences and further investigation directed, it is but natural that the offences under the Prevention of Corruption Act would have to be investigated again. Therefore, it is not for the Commissioner of Police now to say as he has in paragraph 17 of the affidavit of compliance that if during the course of re-investigation, any material emerges attracting the provisions of the Prevention of Corruption Act, the matter shall be transferred to the competent Assistant Commissioner of Police for investigation as mandated by Section 17 of the Prevention of Corruption Act.

Once the Court has rejected the final report that was submitted exculpating the accused of the offences punishable under the Prevention of Corruption Act, it is not for the police now to say that if they find any material under the Prevention of Corruption Act, they would transfer the investigation. As the learned Judge has already pronounced upon it, the investigation shall now be carried on by Assistant Commissioner of Police.

Lay as fresh on **07.05.2026**.

Let this order be communicated to the Commissioner of Police, Gautam Buddha Nagar and the Assistant Commissioner of Police, Gautam Buddha Nagar through the learned Chief Judicial Magistrate, Gautam Buddha Nagar by the Registrar (Compliance) **within 48 hours**.

April 20, 2026
KS

(Achal Sachdev,J.) (J.J. Munir,J.)