



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 528 BNSS No. - 6714 of 2026

Rajendra Prasad Yadav

.....Applicant(s)

Versus

The State Of U.P. Thru. The Prin. Secy. Home
Deptt. Lko. And Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Abhishek Singh, Akhand Kumar
Pandey, Yash Dwivedi
Counsel for Opposite Party(s): G.A.

Court No. - 16

HON'BLE SYED QAMAR HASAN RIZVI, J.

1. Heard Sri Abhishek Singh, learned counsel for the applicant, Sri Vishwas Saraswat, learned Additional Government Advocate appearing on behalf of the State-respondent no. 1 and perused the material available on record.
2. By means of the present application filed under Section 528 of BNSS, the applicant has prayed for quashing of Charge sheet No. 01 of 2026, dated 14.01.2026 submitted against the applicant/accused in Case Crime No. 114 of 2006, under Sections 166, 167, 467, 109, 120-B IPC and Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988, Police Station Asandra, District Barabanki as well as cognizance/summoning order dated 06.07.2026 passed by the learned Additional Sessions Judge/Special Judge (Prevention of Corruption Act), Court No. 01, Ayodhya in Special Trial No. 557 of 2026 (State Versus Rajendra Prasad Yadav & others).
3. Learned counsel for the applicant contends that the applicant is a retired Government Servant and is aged about 68 years. He retired from the post of Consolidation Officer on 31.05.2018. It is submitted that there is no direct allegation against the applicant regarding the misuse of his statutory powers provided under the Consolidation Act. Learned counsel further submits that, in the departmental proceeding, the applicant has been exonerated on merits after a full-fledged

inquiry, wherein the relevant consolidation records and the inquiry material collected by the Economic Offences Wing, were duly examined.

4. It is urged by the learned counsel for the applicant that the departmental proceedings and the criminal prosecution have their genesis in the alleged irregularities pertaining to the consolidation operations of the same village and the very material emanating from the Economic Offences enquiry was also considered in the departmental proceedings and the applicant/accused was ultimately exonerated on merits. He further submitted that the applicant is entitled to protection under Section 49-A of the U.P. Consolidation of Holdings Act, 1953. Not only this much, in the instant matter, the order giving rise to the present proceedings has already been affirmed by the higher court. It is also submitted by the learned counsel for the applicant that the charge sheet has been filed on 14.01.2026 pursuant to the FIR lodged way back in the year 2006.

5. Learned Additional Government Advocate appearing on behalf of the State-respondent no. 1 has opposed the present petition on the ground that the charges under Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988, are serious in nature and the applicant/accused has a right to defend his case during the course of trial.

6. The matter requires consideration.

7. Issue notice to the opposite party no. 2, returnable at an early date.

8. Steps for service of notice be taken within seven working days.

9. Learned Additional Government Advocate appearing on behalf of the State-respondent no. 1 prays for and is granted four weeks' time to file counter affidavit.

10. The applicant shall have two weeks' time thereafter to file rejoinder affidavit, if any.

11. List this case after expiry of the aforesaid period.

12. As an interim measure, it is provided that till the next date of

listing, no coercive step shall be taken against the applicant pursuant to the Case Crime No. 114 of 2006, under Sections 166, 167, 467, 109, 120-B IPC and Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988, Police Station Asandra, District Barabanki as well as cognizance/summoning order dated 06.07.2026 passed by the learned Additional Sessions Judge/Special Judge (Prevention of Corruption Act), Court No. 01, Ayodhya in Special Trial No. 557 of 2026 (State Versus Rajendra Prasad Yadav & others).

October 26, 2026
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(Syed Qamar Hasan Rizvi,J.)