

Court No. - 92

Case :- APPLICATION U/S 482 No. - 20474 of 2015

Applicant :- Km. Bhawna Agrawal And 2 Others

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Arvind Agrawal

Counsel for Opposite Party :- Govt. Advocate

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Arvind Agrawal, learned counsel for the applicants, Sri Pankaj Srivastava, learned A.G.A. for the State and perused the record.

2. The instant application has been filed seeking quashing of the charge-sheet dated 27.05.2015 submitted in Case Crime No. 292 of 2015, under Sections 504, 506 IPC and Section 3(1)(X) SC/ST Act, Police Station Banna Devi, District Aligarh, pending in the Court of Additional Chief Judicial Magistrate, Aligarh and according to the learned counsel for the applicant the same has not been transferred to the Court of Special Judge, SC/ST Act (PA Act), Bulandshahar as S.S.T. No. 2331 of 2019 (State Vs. Ashok Kumar Singh and Others).

3. Learned counsel for the applicants submits that the instant case has been lodged by the opposite party no. 2 against the applicants on false and fabricated facts. Learned counsel for the applicants further submits that the applicants has lodged the case crime No. 695 of 2014 against some accused persons wherein the opposite party no. 2 was also found to be involved. Therefore, in retaliation the instant application has been filed by the opposite party no. 2 against the applicants, therefore, learned counsel for the applicants seeks to quash the entire proceeding of the instant case lodged by the opposite party no. 2.

4. Per contra, learned counsel for the State submits that the applicant no. 1 has filed an earlier case crime no. 444 of 2014 has lodged against the 5 persons namely Vineet Rana, Vipin Rana, Lokesh Rana, Anjana Rana and Amit out of these in the said case the father of the opposite party no. 2 Sri V.K. Singh, Advocate was engaged by the applicants to contest the bail application filed by the accused persons in the said case. The father of the applicant

opposed the bail application, however, two of the accused persons out of those five were released on bail. Then the applicants asked the father of the opposite party no. 2 to oppose the bail applications of other accused persons as well when the father of the applicant asked for the fees etc. then the applicants started pressuring the father of the opposite party no. 2 to contest their case without fees. Else the applicants threatened that you will also be prosecuted by the false case as has been filed by the applicant no. 1 against the other persons. Subsequent thereto the applicant no. 1 filed another case crime no. 695 of 2014 against the unknown persons wherein the mobile number of opposite party no. 2 was also mentioned as applicant no. 1 was already acquainted with the opposite party no. 2 being the son of Advocate Sri V.K. Singh. Thereafter, continuously the applicants are threatening the Advocate and their family members. Therefore, the instant F.I.R. has been lodged by the opposite party no. 2 through an application under section 156 (3) Cr.P.C and after recording the statements of various witnesses the charge-sheet has been filed by the police after investigation of the case, therefore, there is no illegality in the charge-sheet filed against the applicants herein, therefore, learned counsel for the State submits that there is no ground for interference in the instant matter by this Court as the applicant no. 1 is habitual filing such false case against various persons,

5. Having heard the rival submissions made by the learned counsel for the parties and this Court has carefully perused the record of the case the applicants have not denied that the father of the opposite party no. 2 was engaged by them as counsel for opposing the bail of the accused in Case Crime No. 444 of 2014 lodged by the applicant no. 1. Subsequently, when the fees was demanded by the counsel the another F.I.R. was lodged against son of the concerned Advocate the opposite party no. 2. Therefore, it appears that the applicant no. 1 is habitual for filing these false cases and from the material available before the Court, the statements of various witnesses recorded during the investigation, there is no infirmity in the charge-sheet, therefore, no interference is called for in the light of judgments in cases of State of *Haryana Vs.. Bhajan Lal [State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426]* and *Zandu Pharmaceutical Works Ltd. Vs. Mohd. Saraful Haq and another (Para-10) 2005 SCC (Cr.) 283*, therefore, the instant application lacks merit and is hereby **dismissed**.

Order Date :- 27.10.2023

Vikram