

Court No. - 93

Case :- APPLICATION U/S 482 No. - 14011 of 2018

Applicant :- Manoj Kumar Verma @ Manoj Kumar And 2 Others

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

Counsel for Applicant :- Pramod Kumar Singh, Haseen Ahmad, Saurabh Basu

Counsel for Opposite Party :- G.A., Sunil Kumar

Hon'ble Arun Kumar Singh Deshwal, J.

1. Heard learned counsel for the applicant Sri P.K. Singh and Sri S.K. Mishra, learned counsel for opposite party no.2.

2. Present application under Section 482 Cr.P.C. has been filed for quashing the chargesheet dated 15.09.2017 submitted against the applicants along with cognizance order dated 09.02.2018 passed by learned Special Judge SC/ST Act, Fatehpur as well as entire proceedings of Special Sessions Trial No. 47 of 2018 (State vs. Manoj Kumar and others) arising out of Case Crime No. 419 of 2017 under sections 452, 323, 504, 506, 354, 354-B IPC and section 3 (1)Da, 3 (1) Dha and 3 (11) of SC/ST Act, Police Station-Kotwali, District-Fatehpur pending in the Court of the learned Special Judge SC/ST Act, Fatehpur.

3. The contention of learned counsel for the applicants is that the impugned proceedings were initiated as counter blast to the FIR lodged by opposite party no.3 on 17.02.2017. It is further submitted that from perusal of the FIR as well as statements recorded under section 161 Cr.P.C., no specific allegation has been made against applicant no.3.

4. Per contra, learned counsel for opposite party no.2 states that in the FIR lodged by applicant no.3, final report was submitted and till date no protest petition has been filed. Learned AGA also confirms the argument of learned counsel for opposite party no.2.

5. From perusal of the FIR as well as statement recorded under section 161 Cr.P.C., no specific allegation is made against applicant no.3 who is sister of applicant nos. 1 and 2 and she had lodged the FIR against husband of opposite party no.2 prior to initiation of the impugned proceedings and for this reason, she has been falsely implicated in the impugned proceedings.

6. So far as applicant nos. 1 and 2 are concerned, there are allegations against them and the defence taken by them could be seen during the course of trial.

7. In view of the above, the present application is ***disposed of*** at the instance of applicant nos.1 and 2 with a direction that if the applicants surrender and move an application for bail before the court below within 15 days from today, their bail application shall be considered in view of the law laid down in ***Satendra Kumar Antil vs. Central Bureau of Investigation and Another, (2021) 10 SCC 773.***

8. However, from the perusal of record, it appears that there is no specific allegation against applicant no.3, therefore, this Court quashed the proceedings of Special Sessions Trial No. 47 of 2018 (State vs. Manoj Kumar and others) arising out of Case Crime No. 419 of 2017 under sections 452, 323, 504, 506, 354, 354-B IPC and section 3 (1)Da, 3 (1) Dha and 3 (11) of SC/ST Act, Police Station-Kotwali, District-Faehpur pending in the Court of the learned Special Judge SC/ST Act, Fatehpur against ***applicant no.3 only.***

9. It is made clear that learned court below is free to proceed against applicant no.1 and 2 in the aforesaid case.

Order Date :- 18.10.2023

Madhurima