

Court No. - 89

Case :- APPLICATION U/S 482 No. - 24580 of 2023

Applicant :- Surendra Singh

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

Counsel for Applicant :- Niraj Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.
2. The present 482 Cr.P.C. application has been filed to quash the impugned charge sheet dated 31.08.2020 as well as entire further proceedings of Case No. 8550 of 2020 (State vs. Dr. Surendra Singh and others), arising out of Case Crime No. 347 of 2017, under Sections 417, 465, 468, 471, 120B IPC, Police Station-Sadar Bazar, District-Meerut, pending in the court of Chief Judicial Magistrate, Meerut.
3. Counsel for the applicant submits that whole prosecution story is false and fabricated and the instant first information report has been lodged only to harass the applicant. He next submits that there is no cogent evidence to prosecute the applicant in the present case. He next submits that applicant is 75 years old law abiding citizen and retired government officer and now he is suffering from cancer and other old age diseases. He next submits that treatment of the applicant is going on in Rajeev Gandhi Cancer Institute & Research Centre, Delhi. He next submits that as the applicant was retired in the year 2007, after more than ten years instant first information report was lodged and as per the Civil Services Rules and Regulations, no proceedings should be initiated after four years of the retirement. He next submits that on this ground alone, the entire proceedings of the present case is bad in the eye of law and instant proceedings are clear misuse of the powers.
4. Per contra, learned AGA opposes the submissions raised by counsel for the applicant and submits that applicant may approach before the trial court by moving discharge application.
5. Considered the submissions raised by counsel for the parties and perused the entire record.

6. If applicant files discharge application before the trial court within thirty days from today, the same shall be considered and decided by the trial court in accordance with law, preferably within a period of three months thereafter.

7. With the aforesaid directions, this application under Section 482 Cr.P.C. stands **disposed of**.

Order Date :- 2.12.2023

Aditya