

Court No. - 87

Case :- APPLICATION U/S 482 No. - 20331 of 2021

Applicant :- Kunwar Krishna Agrawal

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

Counsel for Applicant :- Sushil Jaiswal, Anurag Shukla, Arun Kumar Pandey

Counsel for Opposite Party :- G.A., Ajeet Singh

Hon'ble Neeraj Tiwari, J.

1. Case called out in revise. Sri G.S. Chaturvedi, learned Senior Counsel, assisted by Sri Anurag Shukla, learned counsel for the applicant and learned A.G.A. are present, whereas, Sri Ajeet Singh, learned counsel for opposite party No. 2 is not present.

2. The present 482 Cr.P.C. application has been filed to quash the charge sheet dated 27.03.2021 cognizance/summoning order dated 27.04.2021, NBW dated 21.08.2021 of Case No. 8963 of 2021 (State Vs. Suyash Agrawal and another), arising out of case crime no. 41 of 2021, under Sections- 419, 420, 467, 468, 471, 406 & 506 I.P.C. Police Station- Sigra, District- Varanasi, pending in Chief Judicial Magistrate, Varanasi.

3. From the perusal of the material on record and looking into the facts of the case as well as submission made by learned counsel for the applicants at this stage it cannot be said that no offence is made out against the applicant. All the submissions made at the bar, relate to the disputed questions of fact, which cannot be adjudicated upon by this Court under Section 482 Cr.P.C. At this stage only prima facie case is to be seen in the light of the law laid down by Supreme Court in cases of *R.P. Kapur Vs. State of Punjab, A.I.R. 1960 S.C. 866*, *State of Haryana Vs. Bhajan Lal, 1992 SCC (Cr.) 426*, *State of Bihar Vs. P.P.Sharma, 1992 SCC (Cr.) 192* and lastly *Zandu Pharmaceutical Works Ltd. Vs. Mohd. Saraful Haq and another (Para-10) 2005 SCC (Cr.) 283*. The disputed defence of the accused cannot be considered at this stage.

4. Accordingly, the prayer for quashing the impugned summoning order is refused.

5. The instant 482 application lacks merit and is **dismissed**.

Order Date :- 17.11.2023

ADY