

Court No. - 81

Case :- MATTERS UNDER ARTICLE 227 No. - 7481 of 2023

Petitioner :- Arvind Kumar Singh

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Rajeshwar Singh

Counsel for Respondent :- G.A., Pankaj Kumar Yadav

Hon'ble Mrs. Jyotsna Sharma, J.

1. Heard Sri Rajeshwar Singh, learned counsel for the petitioner, Sri Pankaj Kumar Yadav, learned counsel for respondent no.2 and learned A.G.A. for the State.

2. By means of this petition, the order dated 18.12.2020 passed in Misc. Case No.342 of 2020 by which application filed under Section 156(3) Cr.P.C. was dismissed, and the order dated 18.04.2023 passed in Criminal Revision No.17 of 2021 whereby order of Magistrate was affirmed and revision was dismissed, have been challenged.

3. It is contended on behalf of the petitioner that learned trial court dismissing his application under Section 156(3) Cr.P.C. did not peruse the papers submitted by him along with application. It is further contended that the revisional court did not apply its mind and just concurred with the order passed by trial court ignoring the fact that matter required investigation, therefore, his application should have been allowed.

4. The contention of the petitioner are rebutted by respondent no.2 submitting that respondent no.2 has been working as teacher in the educational institution since last 34 years and that his appointment which was done in 1999 has been as alleged, irregular. The petitioner's allegations are that the respondent obtained job on the basis of forged and fabricated certificates but has not been able to show what kind of fraud or fabrication of papers was committed by him. His application moved under Section 156 (3) Cr.P.C. lacks all relevant details. Only vague allegations of fabrication and production of fraudulent document has been made.

5. I went through papers on record including the impugned orders. Learned trial court observed that the petitioner/applicant has not given any details as regard allegation and has not pointed out what kind of fabrication and fraudulent papers were prepared by the petitioner. Revisional court observed the same. I went through the papers on record. The machinery of law cannot be expected to move on any kind of vague and unsubstantiated allegations. The burden lies on the applicant to at least put some material to satisfy the Court to arrive at some conclusion or at least create a strong suspicion that some cognizable offence is likely to have been committed.

6. I do not find any good reason to interfere in the order. The petition is **dismissed**.

Order Date :- 12.12.2023

Asha