

Court No. - 89

Case :- APPLICATION U/S 482 No. - 27517 of 2023

Applicant :- Sumita Negi And Another

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

Counsel for Applicant :- Parv Agarwal, Ayank Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma, J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State-respondents.

2. This application under Section 482 Cr.P.C. has been filed by the applicants to quash the Charge sheet dated 31.03.2021 and 13.01.2022, summoning orders dated 27.05.2021 and 12.01.2022 in Criminal Case No. 6502 of 2021 (State vs. Mohit Goyal and others), under Sections 406, 420, 467, 468, 471, 120-B, 504, 506 & 34 IPC, Police Station- Noida Sector-58, District- Gautam Budh Nagar, arising out of Case Crime No. 23 of 2021, pending in the court of Chief Judicial Magistrate, Gautam Budh Nagar.

3. Vide order dated 16.10.2023, learned A.G.A. was directed to get instructions in the matter under what circumstances cognizance has been taken prior to submission of charge sheet against the applicant no. 1 before filing of charge sheet. Learned A.G.A. submits that by mistake cognizance has been before accepting charge sheet.

4. Thus, in view of the above and the fact that the impugned order is not based on any evidence collected during investigation and has been passed in arbitrary manner and the same cannot be sustained. The orders dated 27.05.2021 and 12.01.2022 passed in Criminal Case No. 6502 of 2021 are set aside with the direction that the concerned Magistrate shall pass a fresh order in accordance with law after considering the entire evidence collected during investigation within a period of one month from the date of production of a certified copy of this order.

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

Order Date :- 3.11.2023

Meenu Singh