

Court No. - 87

Case :- APPLICATION U/S 482 No. - 28279 of 2023

Applicant :- Puneet Tuli

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

Counsel for Applicant :- Aishwarya Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari,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 charge sheet dated 10.02.2023, cognizance order dated 10.02.2023 in Case No. 12646 of 2023 (State Vs. Puneet Tuli & other), arising out of Case Crime No. 0530 of 2022, under Sections- 420, 34, 120B I.P.C. and Section 67 & 67A of Information & Technology Act, Police Station- Sector-63, Noida, District-Madhya Commissionerate Gautam Buddha Nagar.

3. Learned counsel for the applicant submitted that present criminal proceeding has been initiated only with a malafide intention to harass the applicant, therefore, the same may be quashed.

4. 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 applicants. 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.

5. Accordingly, the prayer for quashing the impugned charge sheet and cognizance order is refused.

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

Order Date :- 12.12.2023/ADY