

**Court No. - 1**

**Case :- APPLICATION U/S 482 No. - 36496 of 2023**

**Applicant :- Arvind**

**Opposite Party :- State Of U.P. And Another**

**Counsel for Applicant :- Vivek Kumar Singh**

**Counsel for Opposite Party :- G.A.**

**Hon'ble Gajendra Kumar,J.**

1. Heard learned counsel for the applicant and learned A.G.A for the State as also perused the record.

2. This application under Section 482 Cr.P.C. has been filed seeking direction to the court concerned to quash the entire proceedings as well as charge-sheet dated 21.04.2023 in Session Case No.550 of 2023 ( State Vs. Arvind Kumar) arising out of Case Crime No.85 of 2023, under section 34, 323, 504, 506 325 IPC and Section 3(1)(da), 3(1)(dha) and 3(2)(va) SC/ST Act and 7/8 POCSO Act, Police Station Jahanganj, District Farrukhabad pending before Additional District and Session Judge/ Special Judge (POCSO Act), Farrukhabad.

3. It is submitted by the learned counsel for the applicant that a first information report was lodged against the applicant on the basis of false and frivolous allegation. The investigation was conducted by the Investigating Officer and during the course of investigation, the Investigating Officer came to a conclusion that no offence under section SC/ST Act is made out. Thereafter, charge sheet was submitted against the applicant for the offence under sections 354, 323, 504, 506, 325 IPC and Section 3(1)(da), 3(1)(dha), 3(2)(va) S.C./S.T. Act and Section 7/8 POCSO Act, the Additional District and Session Judge/ Special Judge (POCSO Act) has taken cognizance vide order dated 17.06.2023 in Session Case No.85 of 2023 is illegal.

4. Per contra, learned AGA opposed the prayer but could not dispute the aforesaid fact.

5. Looking to the facts and circumstances of the case and without going into the merits of the case as to how, the summoning order dated 17.6.2023 and the charge sheet dated 21.4.2023, which shows that the impugned order has been passed in a mechanical

way and is cryptic and non-speaking order, which cannot be sustained in the eye of law.

6. Keeping in view of the entire facts and circumstances of the case and the manner in which proceedings carried out by the trial court, it is apparent that the order dated 17.06.2023 is cryptic one without recording satisfaction any offence under SC/ST Act is made out and is passed without application of judicial mind against the principles of law, which cannot be sustained in the eye of law and the order is set aside with the direction to the court concerned to decide the matter afresh.

7. In view of the such facts, the order dated 17.6.2023 is hereby set aside.

8. Accordingly, the instant application stands **disposed of**.

**Order Date :- 31.10.2023**

SFH