

Court No. - 89

Case :- APPLICATION U/S 482 No. - 31300 of 2023

Applicant :- Ashok Patel

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

Counsel for Applicant :- Siddhartha Baghel, Prateek Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma, J.

1. Heard learned counsel for the applicant and learned AGA for the State.
2. The present 482 Cr.P.C. application has been filed to quash the charge sheet dated 05.07.2023 summoning/cognizance order dated 07.07.2023 passed by CJM, Sonbhadra in Case No.9306 of 2023, arising out of Case Crime No.104 of 2023, under Sections 419, 420, 467, 468, 471 I.P.C., P.S. Robertsganj, District Sonbhadra.
3. The contention of learned counsel for the applicant is that allegation levelled against the applicant is baseless and untenable and is liable to be set aside. The allegation made in the FIR is civil in nature. Applicant is not named in the FIR as well as informant in her statement has not disclosed the applicant's name. During investigation, applicant's name surfaced. Applicant is not vendee or vendor and has no concern with the alleged allegation made in the FIR. Statement recorded during investigation is not supported the prosecution case. There is no cogent evidence to implicate the applicant in the present case.
4. Learned A.G.A. has vehemently opposed the submission raised by applicant's counsel and submitted that submission of applicant's counsel is based on disputed questions of fact.
5. Considered the argument raised by applicant's counsel and perused the entire record, it is apparent that one property has been sold by many times by the applicant and other co-accused, applicant's case cannot be adjudged at this stage as the involvement of the applicant shall be considered after examination of the witnesses, as such, at this stage it cannot be said that applicant is innocent and no offence has been made against the applicant. No interference is warranted at this stage.

6. In view of the above, in the light of judgment of the Apex Court in the matters 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**, no ground for quashing the proceedings of the aforesaid case, is made out which may call for any interference by this Court in exercise of its inherent power under Section 482 Cr.P.C. as the same do not suffer from any illegality or infirmity.

7. The present application under Section 482 Cr.P.C. lacks merit and is, accordingly, **dismissed**.

Order Date :- 22.11.2023

Nitin Verma