

Court No. - 91

Case :- APPLICATION U/S 482 No. - 36452 of 2023

Applicant :- Surajpal Singh

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Alkesh Singh

Counsel for Opposite Party :- G.A.,Baleshwar Chaturvedi

Hon'ble Gajendra Kumar,J.

1. Heard learned counsel for the applicant and learned AGA for the State.
2. The present application u/s 482 Cr.P.C. has been filed by the applicant with the prayer quash the charge sheet dated 16.11.2017, arising out of Case Crime No.994 of 2017, under Section 135 of Electricity Act, Police Station Kotwali, District Mainpuri.
3. Learned counsel for the applicant submits that on the false and frivolous allegation, an F.I.R. has been lodged against the applicant. Further submission is that a spot inspection was made by the Sub Divisional Officer, in which, he found that F.I.R. has been lodged in confusion. Further submission is that the Investigating Officer without collected reliable evidence/material has submitted charge sheet in a perfunctory manner on which, cognizance has been taken mechanically.
4. On the other hand, learned AGA has opposed the prayer and submitted that the R.C. issued against the applicant has been withdrawn by the electricity department.
5. Looking to the facts and circumstances of the case, it is apparent that the F.I.R. has been lodged on unfounded facts in confusion. No cognizable offence is made out and charge sheet has been submitted in a perfunctory manner without collecting reliable evidence/material on which, cognizance has been taken in a mechanical way.

6. The entire proceedings of charge sheet dated 16.11.2017, arising out of Case Crime No.994 of 2017, under Section 135 of Electricity Act, Police Station Kotwali, District Mainpuri is quashed against the applicant.

7. Accordingly, the present application u/s 482 Cr.P.C. is **allowed** to this extent.

Order Date :- 3.11.2023

Sanjeet