

Court No. - 89

Case :- APPLICATION U/S 482 No. - 32482 of 2023

Applicant :- Rajesh Kumar Singh @ Rajesh Singh

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

Counsel for Applicant :- Shambhavi Nandan

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard Sri Shambhavi Nandan, 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 11.11.2021, cognizance order dated 16.11.2021 passed in Criminal Case No.34963 of 2021, arising out of Case Crime No.285 of 2021, under Sections 419, 420, 467, 468, 471, 170, 34 I.P.C. P.S. Phoolpur, District Varanasi, pending in the Court of Civil Judge (JD)/FTC-II, JM, Varanasi.
3. The contention of learned counsel for the applicants is that no offence against the applicants is disclosed and the present prosecution has been instituted with a *mala fide* intention for the purposes of harassment. He further submitted that FIR lodged against one named and 5 unknown person, alleged therein that four persons contacted informant and stated themselves as CBI Inspector and demanded Rs.20 lacs to the applicant to settle the matter. Applicant is not named in the FIR and there is no evidence collected during investigation to implicate the applicant in the present case. Alleged recovery is false and fabricated. Implication of the applicant in the present case is without support of any cogent evidence and cognizance taken by learned Magistrate is abuse of process of Court.
4. Learned A.G.A. has vehemently opposed the prayer for quashing the proceedings of the aforesaid case and has submitted that the same do not suffer from any illegality or infirmity.
5. From perusal of material on record and looking into the facts of the case and after considering the arguments made at the Bar, it is evident that submissions raised by applicant's counsel is disputed questions of fact which cannot be considered at this stage as the applicant was involved in the crime or not. From bare perusal of record it appears that in para 25 of the affidavit it is stated that applicant having criminal history of five cases, as such, looking to

the contents of recovery, statement and FIR, it does not appear that no offence is made out 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 :- 13.12.2023

Nitin Verma