

Court No. - 91

Case :- APPLICATION U/S 482 No. - 33539 of 2023

Applicant :- Ramdas And Another

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

Counsel for Applicant :- Radhey Shyam Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

1. Heard learned counsel for the applicants and the learned AGA for the State and perused the record.

2. This application under Section 482 CrPC has been filed with the prayer to quash the entire proceedings in Case No. 885 of 2000, under Sections 147, 148, 149, 307, 325 IPC, Police Station Kampil, District Farrukhabad pending before the Additional Chief Judicial Magistrate, Farrukhabad.

3. It is submitted by the learned counsel of the applicants that the FIR has been lodged on false grounds while the applicants have not committed any offence. Essential ingredients to constitute offence are lacking. The present prosecution has been instituted with a malafide intention. Learned counsel for the applicants pointed out certain documents and statements in support of his contention.

4. Learned AGA has opposed the prayer.

5. I have considered the submissions made by the learned counsel for the parties and have gone through the entire record carefully.

6. As is evident, 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 a prima facie case is to be seen in the light of the law laid down by Supreme Court in the 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.*** From a perusal of the material available on record and keeping in view the facts of the case, at this stage it cannot be said that offences

levelled against the applicants are not made out. Hence, prayer made in the application is refused.

7. In the last, learned counsel has urged that direction for expeditious disposal of bail application of the applicants be given.

8. Hence, it is observed that in case applicants surrender before the court below and apply for bail within four weeks from today, the same shall be considered and decided in view of the settled law. For a period of four weeks from today, no coercive action shall be taken against the applicants.

9. It is made clear that no further time shall be allowed to the applicants to surrender before the court concerned.

10. With the aforesaid observations, the application stands **disposed of.**

Order Date :- 3.11.2023

Sanjeet