

Court No. - 87

Case :- APPLICATION U/S 482 No. - 4054 of 2011

Applicant :- Soran Singh And Others

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

Counsel for Applicant :- Babban Singh Rathore, Ramesh Chandra Pandey

Counsel for Opposite Party :- Govt. Advocate,

Hon'ble Neeraj Tiwari, J.

1. Heard learned counsel for applicants and learned AGA for State.

2. The present application, under Section 482, has been filed with the prayer to quash the entire proceedings and also quash the order dated 05.10.2010 passed by learned Special Judge (EC Act) of ST No. 362 of 2010, State v. Soran Singh and others, in Case Crime No. 116 of 2009, under Sections 272, 373 IPC, Police Station Nibohara, District Agra, arising out of impugned charge sheet No. 58 of 2009, dated 20.12.2009, pending in the court of learned Special Judge (EC Act) Agra.

3. It is submitted that an FIR has been lodged against the applicants under Sections 272, 273 I.P.C. Thereafter, a parallel proceeding arising out of same offence has also been initiated before Judicial Magistrate-I, Fatehabad, Agra, which was registered as Case No. 1816 of 2010, under Section 7/16 The Prevention of Food Adulteration Act. He next submitted that in the said proceeding, applicants have moved discharge application, which was allowed vide order dated 4.3.2016.

4. He has also brought the facts on record by filing supplementary affidavit dated 22.08.2023. In para 4 of the supplementary affidavit, it is clearly averred that they have been discharged by the lower court, vide order dated 04.03.2016, which is part of supplementary affidavit. It is next submitted that once the applicants have been discharged in parallel proceeding, the present proceedings is bad in law and is liable to set aside.

5. Learned AGA has also filed supplementary counter affidavit dated 2.9.2023 to the supplementary affidavit dated 22.8.2023. In the supplementary counter affidavit filed by the State, there is no denial of facts as argued by the learned counsel for the applicants.

6. Even today before the Court, learned AGA could not demonstrate from the records and from the supplementary counter affidavit filed by the State against the arguments made by the learned counsel for the applicants. Facts are undisputed that based upon the same incident the applicants were discharged by the court, vide order dated 04.03.2016, therefore, there is no occasion to permit the parallel proceedings against the applicants, therefore, the present proceeding is hereby quashed.

7. Application is allowed. No order as to costs.

Order Date :- 20.11.2023/Akram