

Court No. - 91

Case :- APPLICATION U/S 482 No. - 36648 of 2023

Applicant :- Manoj Kumar

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

Counsel for Applicant :- Umang Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

1. Supplementary affidavit filed today is taken on record.
2. Heard learned counsel for the applicant and learned A.G.A. for the State.
3. This application u/s 482 Cr.P.C. has been filed by the applicant with the prayer to quash the entire proceeding of Case No.2194 of 2018, under Sections 419, 420, 468, 471 IPC, P.S. Talgram, District Kannauj.
4. Learned counsel for the applicant submits that the order dated 08.10.2021 passed in Writ-A No.7429 of 2018 has attained finality as no appeal has been filed or pending against the same. Further submission is that the petition of co-accused, namely, Pushpendra @ Pushpendra Singh has already been allowed by the co-ordinate Bench of this court vide order dated 14.07.2023 passed in the application u/s 482 no.43467 of 2022.
5. On the other hand, learned AGA has opposed the prayer but could not dispute the aforesaid facts.
6. I have considered the rival submissions advanced by the learned counsel for the parties and perused the record. This Court is of the view that service of petitioner was terminated on 20.3.2018 only on the ground of forged diploma degree. The said termination order was quashed by this Court vide order dated 8.10.2021 in Writ- A No. 7429 of 2018 and petitioner was also permitted to join his service. The allegation of forged diploma degree is not in existence in light of order of writ Court, therefore, on that ground, no criminal proceedings can be permitted to continue for the same reason.
7. Therefore, under such facts and circumstances of the case, the entire proceedings of Case No.2194 of 2018, under Sections 419, 420, 468, 471 IPC, P.S. Talgram, District Kannauj is hereby quashed and application is **allowed**. No order as to costs.

Order Date :- 5.12.2023

Sanjeet