

Court No. - 88

Case :- APPLICATION U/S 482 No. - 37381 of 2023

Applicant :- Mustafa Khan

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

Counsel for Applicant :- Jay Prakash Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Vinod Diwakar,J.

1. Learned counsel for the petitioner states that Police has filed charge-sheet on the basis of forged investigation, no independent witness has been examined by the police and in view of Indian Citizenship Act, 1955, the citizenship of a person can be adjudicated by special Tribunal constituted under C.A. Act. Petitioner originally belongs to village Gazipur, Delhi. No offence under Section 420, 467, 468, 471 I.P.C. read with Section 14 of Foreign Act and 3 Passport Act is made out against the petitioner.

2. Per contra, learned A.G.A. states that on the source information, the impugned F.I.R. was registered against the petitioner and it was revealed that petitioner is illegally residing in India to collect sensitive information. The document procured from the possession of the applicant were found to be forged and fabricated, and therefore he has been charged with the provisions of Foreign Act and Indian Citizenship Act besides offences under I.P.C.

3. On perusal of the statement of witnesses recorded by Investigating Officer, no interference is warranted by this Court under Section 482 Cr.P.C. No abuse of process adopted by the Police has been demonstrated by the counsel for the petitioner and therefore the quashing for the charge-sheet would not meet the ends of justice.

4. The petition is devoid of merits and is, accordingly, dismissed.

Order Date :- 4.12.2023

P.Sri.