

Court No. - 87

Case :- APPLICATION U/S 482 No. - 38783 of 2023

Applicant :- Mohan Singh

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

Counsel for Applicant :- Devendra Kumar, Sanjay Kr. Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari, J.

1. Heard learned counsel for applicant and learned A.G.A. for State.
2. This application under Section 482 Cr.P.C. has been filed seeking quashing of entire proceeding of Case No. 40116 of 2023(State Vs. Mohan Singh), arising out of Case Crime No. 625 of 2019, under sections 420, 467, 468, 471 I.P.C., P.S.- Bannadevi, District- Aligarh, pending in the Court of Learned Chief Judicial Magistrate, Aligarh, arising out of charge sheet dated 05.03.2023 and cognizance order dated 02.08.2023.
3. The contention of the learned counsel for the applicant is that no offence against the applicant is disclosed and the present prosecution has been instituted with a malafide intention for the purposes of harassment. He pointed out certain documents and statements in support of his contention.
4. Considering the facts and circumstances of the case, I do not find any ground to quash the criminal proceedings including charge sheet dated 05.03.2023 and cognizance order dated 02.08.2023, therefore, the prayer for quashing the same is hereby refused.
5. At this stage, learned counsel for the applicant submits that applicant is on bail, therefore, he may be permitted to move discharge application before the court concerned and prayed that a direction may be issued to decide the same at the earliest.
6. Considering the request of the applicant and in view of the entirety of facts and circumstances of the case, it is provided that if the applicant appears and moves an appropriate application for discharge under the provision of Cr.P.C. before the Trial court within two weeks from the date of receipt of a certified copy of

this order then the application of the applicant shall be considered and decided expeditiously preferably within a period of three months from the date of filing of discharge application in accordance with law.

7. Accordingly, the present application is **disposed of**.

Order Date :- 8.12.2023

ADY