

Court No. - 93

Case :- APPLICATION U/S 482 No. - 37043 of 2023

Applicant :- Manoj Kumar Singh

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Ashish Goyal

Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard Sri Ashish Goyal, learned counsel for the applicant and Sri Rajeev Kumar Singh, learned AGA for the State.

2. The present 482 Cr.P.C. application has been filed to quash the entire proceedings of Criminal Case No.19584 of 2023 (State Vs. Manoj Kumar Singh) arising out of Case Crime No.221 of 2023, under Sections-376, 323, 504, 506 IPC and 67A Information Technology (Amendment) Act, 2008, Police Station-Tajganj, District-Agra, pending in the court of Chief Judicial Magistrate, Agra.

3. Contention of learned counsel for the applicant is that opposite party no.2 and applicant were in relationship for the last two years and when the cheque issued by the opposite party no.2 to the applicant was returned as bounced and, thereafter, on receiving the notice sent by the applicant, FIR of impugned proceeding was lodged. Therefore, no case u/s 376 IPC is made out.

4. However, Sri Rajeev Kumar Singh, learned AGA has vehemently stated that from the perusal of the statement of the girl recorded u/s 164 Cr.P.C., there are specific allegations of harassment, black-mailing and rape. Merely because at some point of time applicant and opposite party

no.2 were in relationship, it cannot be said that no offence is made out against the applicant.

5. Considering the aforesaid facts and circumstances and taking into consideration the allegations made by the victim u/s 164 Cr.P.C., this court is not inclined to quash the impugned proceeding.

6. Accordingly, the present application is **rejected**.

Order Date :- 1.11.2023
S.Chaurasia