

Court No. - 91

Case :- APPLICATION U/S 482 No. - 38561 of 2023

Applicant :- Rizwan@ Bhoora

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

Counsel for Applicant :- Aijaz Ahmad Khan

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

Heard learned counsel for the applicant and learned A.G.A. for the State.

This application under Section 482 Cr.P.C. has been filed for quashing the entire criminal proceedings of case No.341 of 2022 arising out of case crime No.280 of 2020, under Section 3/5/8 of U.P. Prevention of Cow Slaughter Act, Police Station-Jarcha, District-Gautam Buddh Nagar, which is pending in the court of IInd Additional Chief Judicial Magistrate, Gautam Buddh Nagar as well as summoning order dated 16.02.2022.

Learned counsel for applicants contends that applicant has been falsely implicated in the present case due to ulterior motive. It is further submitted that no offence under Section 3/5/8 of U.P. Prevention of Cow Slaughter Act is made out against applicant, as such, the present criminal proceeding against the applicant is nothing but an abuse of process of law, which is liable to be quashed.

Per contra, learned A.G.A. submitted that applicant is a named accused and he is involved in committing the aforesaid offence.

From the perusal of the material on record and looking into the facts of the case at this stage it cannot be said that no offence is made out against the applicant. All the submissions made at the bar relate to the disputed questions of fact, which cannot be adjudicated upon by this Court under Section 482 Cr.P.C. At this stage only prima facie case is to be seen in the light of the law laid down by Supreme Court in cases of **R.P. Kapur Vs. State of Punjab, A.I.R. 1960 S.C. 866, State of Haryana Vs. Bhajan Lal, 1992 SCC (Cr.) 426, State of Bihar Vs. P.P.Sharma, 1992 SCC (Cr.) 192 and lastly Zandu Pharmaceutical Works Ltd. Vs. Mohd. Saraful Haq and another (Para-10) 2005 SCC (Cr.) 283.**

In view of discussions made above, I have come to the conclusion that there is no illegality, irregularity, incorrectness or impropriety in impugned order and learned counsel for the applicant has failed to show any abuse of process of court or likelihood of miscarriage of justice for prevention of which the exercise of inherent powers by this Court is required. The application is devoid of merits and is liable to be dismissed.

The application u/s 482 Cr.P.C. is **dismissed** accordingly.

Order Date :- 3.11.2023

Ashutosh