

Court No. - 89

Case :- APPLICATION U/S 482 No. - 38265 of 2023

Applicant :- Ankit Sisodiya

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

Counsel for Applicant :- Bhanu Pratap Verma

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard learned counsel for the applicant and learned AGA for the State.
2. The present 482 Cr.P.C. application has been filed to quash the charge sheet dated 10.01.2023 as well as summoning order dated 22.05.2023 in Criminal Case No.10036 of 2023 (State Vs. Ankit Sisodiya) arising out of Case Crime No.816 of 2022, under Section 3/25 (1-B) b Arms Act, P.S. Ujhani, District Budaun.
3. The contention of 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. The allegation made in the F.I.R. is not supported by evidence and statement recorded under Section 161 Cr.P.C. is contrary and not supporting the version of F.I.R.
4. Per contra, learned A.G.A. vehemently opposed the prayer for quashing the proceedings of the aforesaid case and has submitted that the same do not suffer from any illegality or infirmity.
5. 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.*
6. The prayer for quashing the charge sheet dated 10.01.2023 as well as summoning order dated 22.05.2023 in Criminal Case No.10036 of 2023 (State Vs. Ankit Sisodiya) arising out of Case Crime No.816 of 2022, under Section 3/25 (1-B) b Arms Act, is refused.
7. The present application under Section 482 Cr.P.C. lacks merit and is, accordingly, **dismissed**.

Order Date :- 16.10.2023

Meenu Singh