

Court No. - 89

Case :- APPLICATION U/S 482 No. - 40378 of 2023

Applicant :- Mohd. Rais

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

Counsel for Applicant :- Amit Kumar Srivastava, Shiva Kant Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. The present 482 Cr.P.C. application has been filed to quash the chalani report No.519/2023 dated 21.08.2023, under Section 151/107/116 Cr.P.C, Police Station- Sarai Inayat, District- Allahabad.
3. Learned counsel for the applicant submits that the applicant is uncle of opposite party no.2 and instant proceeding under sections 151/107/116 Cr.P.C. is malice prosecution and without following the procedure provided under the Act. Only to harass the applicant, instant proceeding has been initiated. Investigating Officer has submitted chalani report in cyclostyled proforma. Applicant has no criminal history and not involved in any case. Impugned notice does not contain the substance of allegation which has been made against the applicant. The authority concerned without application of judicial mind issued show cause notice.
4. In view of the aforesaid facts and circumstances of the case and keeping in view the substance of allegation made against the applicant which has not shown in the show-cause notice is vague and bogus, therefore, the same is hereby quashed.
5. It shall be open to authority concerned to issue fresh notice to the applicant, if necessary.
6. With the aforesaid direction, this Application u/s 482 Cr.P.C. is, accordingly, **disposed of.**

Order Date :- 2.11.2023/SKD