

Court No. - 91

Case :- APPLICATION U/S 482 No. - 41058 of 2023

Applicant :- Vedprakash Yadav

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

Counsel for Applicant :- Vipin Kumar, Jai Kishan

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar, J.

1. Heard learned counsel for the applicant and learned AGA for the State.
2. This application u/s 482 Cr.P.C. has been filed by the applicant with the prayer to quash the charge sheet dated 25.12.2022 and cognizance order dated 24.06.2023 as well as the entire proceeding of Case No.1257 of 2023, arising out of Case Crime No.251 of 2022, under Sections 447 IPC and Section 3 of Prevention of Damage to Public Property Act, P.S. Nidhauri, District Etah.
3. Learned counsel for the applicant submits that a civil suit is pending between the parties but on the false and frivolous allegation, an F.I.R. has been lodged against the applicant under Section 447 IPC and Section 3 of Prevention of Damage to Public Property Act. Further submission is that at the most proceeding can be drawn against the applicant in the circumstances of the case under Section 67 of U.P. Revenue Code but the Investigating Officer has submitted charge sheet in a perfunctory manner and the concerned Magistrate has summoned the applicant in a mechanical way.
4. On the other hand, learned AGA has opposed the prayer and submitted that proceedings are different from each other.
5. Having regard to the facts and circumstances of the case and from the perusal of the record, it cannot be said that no cognizable

offence is made out against the applicant. So far as the contention of learned counsel for the applicant is that proceeding under Section 67 of U.P. Revenue Code can be drawn, it is made clear that the proceeding under Section 67 of U.P. Revenue Code are different as being the civil proceeding from the criminal proceeding, which are drawn under Sections 447 IPC and Section 3 of Prevention of Damage to Public Property Act. No good ground is made out for interfering with the aforesaid impugned order while invoking the inherent jurisdiction under Section 482 Cr.P.C.. Hence, the prayer made in the application is refused

6. With the aforesaid observations, the instant application u/s 482 Cr.P.C. is **dismissed**.

Order Date :- 4.12.2023
Sanjeet