

Court No. - 93

Case :- APPLICATION U/S 482 No. - 42419 of 2023

Applicant :- Akash And Another

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Sushant Misra

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj,J.

1. Applicants have filed this application seeking quashing of the final report dated 04.08.2023 in S.S.T No.705 of 2023 titled State vs. Akash and others, Case Crime No.375 of 2023, under Sections 342, 354 IPC and Section 7/8 POCSO Act, 2012 against applicant no.1 and under Section 506 IPC against applicant no.2, pending in the Court of Special Judge POCSO Act, District Farrukhabad.

2. Learned counsel for the applicants has submitted that the complainant is the father of the victim, who has falsely implicated the applicants in the subject case, because the complainant owed Rs.40,000/- to the applicant no.2 and when the said amount was demanded instead of returning the money he got the false case registered against the applicants. According to learned counsel in this background of the case, the criminal proceedings initiated by the complainant are nothing, but an abuse of the process of law. He prays that the impugned charge sheet and proceedings arising out, may be quashed.

3. During the course of hearing, it is not disputed by learned counsel that after registration of Case Crime No.375 of 2023, the investigation was carried out and the statements of the complainant and other material witnesses including the victim were recorded. It is fairly stated by learned counsel that final report submitted by the police is yet to be considered by the Trial Court as the charges against the applicants have not been framed.

4. Upon considering the submissions of learned counsel and considering the initial stage of the proceedings wherein, the trial is yet to commence, this Court is not inclined to exercise inherent powers under Section 482 Cr.P.C, since as the issues raised in this application can be effectively raised by the applicants, at the stage of consideration of final report.

5. With the above observations, this application u/s 482 CrPC is disposed of.

Order Date :- 21.11.2023
Priya