

Court No. - 93

Case :- APPLICATION U/S 482 No. - 43939 of 2023

Applicant :- Farookh

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

Counsel for Applicant :- Rajesh Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj,J.

1. Applicant has filed this application under Section 482 Cr.P.C. for quashing of the chargesheet No. 389 of 2022, dated 13.10.2022, which is the subject matter of Session Trial No. 1017 of 2022, titled State vs. Farookh, arising out of Case Crime No. 327 of 2022, under Section 3/5/8 U.P. Prevention of Cow Slaughter Act and Section 7 Criminal Law Amendment Act.

2. Learned counsel for the applicant submits that the prosecution has falsely implicated the applicant and there is nothing to connect the applicant with the alleged crime as the container from which the cattle were recovered does not belong to the applicant. In this regard he submits that the said container was sold by the applicant to Shiv Kumar and reliance is placed upon the agreement dated 10.6.2022. He submits that in view of this agreement, continuation of criminal proceedings against the applicant is nothing but futile exercise, therefore, the proceedings be quashed in the interest of justice.

3. Learned counsel for the applicant has also argued that except applicant there is no other accused in this case and the recovery was made from the public place where the alleged container was parked.

4. After hearing the learned counsel for the applicant and considering his submissions, this Court finds that the sole reliance has been placed upon by the learned counsel for the applicant upon the alleged agreement dated 10.6.2022, but this document cannot be accepted for lack of proper proof, and further the trial has already commenced, wherein the

prosecution is in the process of examining its witnesses. During the course of hearing it is fairly stated by learned counsel for the applicant that out of total 10 prosecution witnesses, five have already been examined.

5. Since the applicant has already participated in the trial by examining the prosecution witnesses and the same has reached at an advanced stage, therefore, this Court does not find it a fit case to exercise his powers under Section 482 Cr.P.C.

6. Thus without expressing any opinion on the merits of this case, the petition is **dismissed**. However, it shall be open to the accused to raise this issue at an appropriate stage before the trial court.

Order Date :- 1.12.2023

Faridul