

Court No. - 88

Case :- APPLICATION U/S 482 No. - 44026 of 2023

Applicant :- Anshul Singh

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

Counsel for Applicant :- Aditya Singh Parihar

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

1. Heard Ms. Anita Singh, learned counsel for the applicant, learned Additional Government Advocate for the State of U.P./opposite party no.1 and perused the record.

2. This application under Section 482 Cr.P.C. has been filed by the applicant with a prayer to quash the cognizance order dated 07.11.2022, summoning order dated 17.02.2023 passed by Judicial Magistrate, Court No. 5, Farrukhabad and order of non-bailable warrant dated 11.10.2023 issued against the applicant in Complaint Case No. 1335 of 2022 (Sushil Kumar Gupta Vs. Anshul Singh and Another), under Sections 420, 468 I.P.C., Police Station Farrukhabad, District Farrukhabad, pending before FTC-I, Farrukhabad.

3. Brief facts of the case which are required to be stated are that opposite party no.2 Sushil Kumar Gupta filed a complaint dated 07.11.2022 against the present applicant Anshul Singh and co-accused Girish Chandra Swami alleging inter alia that they making his forged signature and using his photographs sanctioned a loan of Rs. 24 lac and thereafter, withdrawn the same. On receiving notice dated 04.12.2021 from the bank, he came to know about the fraudulent act of Anshul Singh and Girish Chandra Swami, thereafter, he has deposited the entire loan amount in State Bank of India, Farrukhabad after selling his property. The complaint was also made to the higher officers of the bank. It is also alleged that when he went to Police Station to lodge F.I.R., his F.I.R. was not registered. Learned Magistrate after recording the statements under

Section 200 and 202 Cr.P.C. summoned the applicant vide order dated 17.02.2023 to face trial under Sections 420 and 468 I.P.C. Thereafter, on account of non appearance of the applicant before the concerned court below non bailable warrant has been issued against him on 11.10.2023, which is the subject matter of challenge in the present application.

4. Learned counsel for the applicant after advancing her argument at some length and putting certain query by the Court as to whether accepting the prosecution case as it is, prima facie offence is made out against the applicant or not and whether the defence of the accused can be taken into consideration at this stage or not, gave up her challenge to the aforesaid cognizance order, summoning order and order of non-bailable warrant against the applicant by contending at the Bar that she is not pressing the prayer made in this application on merits and confined her submission requesting to grant some protection to the applicant to surrender before the concerned court below.

5. Learned A.G.A. for the State of U.P. submits that in case the applicant is not pressing the relief as sought for by him on merits and wants to surrender before the concerned court below, he has no objection if the Court grants protection to him for a short period.

6. In view of the above, the relief as sought by the applicant in the instant application is refused.

7. However considering the aforesaid alternative prayer made by learned counsel for the applicant, it is directed that the applicant shall surrender before the concerned court below within three weeks from today and in case applies for bail, the bail application of the applicant shall be disposed of expeditiously by the courts below in accordance with law and keeping in view the guidelines as laid down by the Apex Court in the case of **Satender Kumar Antil vs Central Bureau of Investigation and another**, reported in **2021 SCC Online SC 922**.

8. For the period of three weeks from today or till the time of surrender of the applicant before the concerned court below, whichever is earlier, non-bailable warrant dated 11.10.2023 shall be kept in abeyance.

9. With the above observations and directions, this application under Section 482 Cr.P.C. is disposed of.

10. Copy of this order be sent to complainant/opposite party no.2 within a week for necessary information.

Order Date :- 14.12.2023

Kashifa