

**Court No. - 28**

**Case :-** APPLICATION U/S 482 No. - 5772 of 2013

**Applicant :-** Ramesh Babu

**Opposite Party :-** The State Of U.P And Anr.

**Counsel for Applicant :-** Anoop Srivastava Ii, Anil Kumar Mishra, Shailendra Kumar Misra

**Counsel for Opposite Party :-** Govt. Advocate, Manendra Nath Rai

**Hon'ble Shree Prakash Singh, J.**

Case called out.

None is present on behalf of the opposite party no.2.

In view of the aforesaid, the Court is proceeding to hear the matter.

Heard learned counsel for the applicant, Ms. Nusrat Jahan, learned A.G.A. for the State and perused the material placed on record.

Instant application has been filed with the prayer to quash the entire proceedings of Criminal Case No.3590 of 2013, State Vs. Ramesh Babu, arising out of Case Crime No.426 of 2013, under Sections 420, 467, 468, 471 I.P.C. relating to Police Station Kotwali, District Unnao pending in the court of Chief Judicial Magistrate, Unnao as well as impugned charge sheet no.210 of 2013 dated 24.6.2013 submitted by the Investigating Officer against the applicant, under Sections 420, 467, 468, 471 I.P.C.

Learned counsel for the applicant submits that the opposite party no.2 lodged an F.I.R. on 21.2.2023 which was registered as Case Crime No.426 of 2013 under Sections 420, 467, 468, 471 I.P.C. at Police Station Kotwali, District Unnao. He further submits that the allegation in the F.I.R. was that the applicant, who is son of the opposite party no.2, brother-in-law, has got transferred the Bollero car in his name by committing fraud and forgery, on 14.3.2012. He contended that no such fraud has ever been played by the present applicant as aforesaid vehicle was transferred by the owner himself whereafter the opposite party no.2 filed an application before the Transport Commissioner for cancellation of the registration of the vehicle which was rejected and thereafter an appeal bearing Appeal No.1 of 2014 was filed before the appellate authority that too was dismissed, vide order dated 28.9.2015 and thereafter the opposite party no.2 approached this Court by way of filing Writ Petition

No.5995 (M/S) of 2015, Ram Charan Vs. State of U.P. which was also dismissed, vide order dated 8.10.2015 and resultantly the vehicle was released in favour of the present applicant vide order dated 11.12.2015 passed by the Chief Judicial Magistrate, Unnao in Criminal Case No.3590 of 2013. He added that the vehicle in question was got registered in the name of the present applicant and later on, it was found that the transfer was rightly been done and, therefore, the vehicle was released in favour of the applicant, thus, no offence has been committed by the applicant.

After the aforesaid argument, learned counsel for the applicant submits that the interest of justice would be subserved if this Court permits the applicant to move application for discharge before the trial court concerned and the trial court may be directed to decide the same within stipulated period of time, as may be fixed by this Court.

In view of the aforesaid submissions, the applicant is given liberty to move application before the trial court concerned within a period of 30 days and if such an application is moved by the applicant, the same shall be decided by the trial court within further period of 30 days considering the contention of the learned counsel for the applicant as made above, in accordance with law.

With the aforesaid observations, instant application is **disposed of.**

**Order Date :- 1.11.2023**

Ram Murti