

Court No. - 12

Case :- APPLICATION U/S 482 No. - 2307 of 2016

Applicant :- Smt. Vidya Bai

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

Counsel for Applicant :- Ran Vijay Singh,Indrajeet Shukla,Pradeep Kumar Shukla

Counsel for Opposite Party :- Govt. Advocate,Chandresh Mani Shukla

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State. However, none appears on behalf of the private respondent.

2. This application has been filed for quashing the charge sheet dated 30.04.2015 in Case Crime No. 231 of 2012, under Sections 419, 420, 467, 468, 471, 409 I.P.C., P.S. Chapia, District Gonda.

3. Learned counsel for the applicant submits that on the basis of incorrect fact, the F.I.R. bearing Case Crime No. 231 of 2012 was lodged with the allegations that cheque was placed by making forged signatures of the informant of the present case/private respondent. It is further submitted that during the course of investigation, cheque in question was sent to F.S.L. for examination, wherein it was found that the signature on the cheque was of the private respondent/informant. Thereafter, protest petition was filed by respondent no. 2, which was allowed by the court below without considering the F.S.L. report. It is, thus, submitted that the indulgence of this Court is necessary.

4. Learned A.G.A. opposes the prayer of the applicant and submits that applicant may appear before the court below and apprise all these facts at the appropriate stage. However, he does not dispute the fact that after detail investigation, final report was submitted by the Investigating Officer. Learned A.G.A. also does not dispute that the specimen signature of private respondent was

sent to F.S.L., in which it was found by the writing expert that the cheque was signed by the private respondent.

5. Considering the arguments advanced by the learned counsel for the applicant, learned A.G.A. and going through the contents of the F.I.R., application as well as other relevant documents including the F.S.L. report, which is annexed as Annexure 8 to the application, it is evident that specimen signature of the respondent no. 2 was sent to writing expert and it is categorically mentioned in the F.S.L. report that signature was made by the respondent no. 2 on the cheque in question. It is also evident that the Investigating Officer has rightly submitted the final report and the court below has committed error while passing the order on the protest petition.

6. In view of above, the impugned proceedings are liable to be quashed and are hereby quashed.

7. The application stands allowed.

8. Office is directed to communicate this order to the court concerned, forthwith.

Order Date :- 26.10.2023

VKS