

Court No. - 12

Case :- APPLICATION U/S 482 No. - 9694 of 2023

Applicant :- Svaminath

Opposite Party :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home, Civil Sectt. U.P. Lko. And 4 Others

Counsel for Applicant :- Vinod Kumar, Anand Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Supplementary affidavit filed by the learned counsel for the applicant is taken on record.
2. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the material brought on record.
3. This application has been filed for quashing the charge sheet dated 10.01.2020 as well as summoning order dated 28.02.2020 passed in Case No. 488 of 2020, (State Vs. Ram Naresh Pathak) arising out of F.I.R. No. 361 of 2019, under Sections 147, 323, 504, 506, 452, 354 I.P.C. and Section 7/8 of POCSO Act, P.S. Kotwali Nagar, District Balrampur.
4. Learned counsel for the applicant submits that as the applicant was abducted by the private respondent on 28.05.2014 with the intention to get the sale deed executed in their favour. Thereafter, in the confinement, alleged sale deed was executed on 02.06.2014. Thereafter, he was allowed to go on 03.06.2014. After release, the application under Section 156(3) Cr.P.C. was filed, which was treated as complaint case and after recording statement under Sections 200 and 202 Cr.P.C., the complaint was rejected in mechanical manner. Thereafter, revision was filed, which was dismissed. It is, thus, submitted that the indulgence of this Court is necessary.
5. Learned A.G.A., while opposing the prayer of the learned counsel for the applicant, submits that as the sale deed was executed before the Sub-Registrar in his office and it is statutory duty of the Sub-Registrar to verify from the seller

whether he is executing the sale deed and after satisfaction, the sale deed was to be registered. It is further submitted that no allegations have been levelled against the Sub-Registrar. It is, thus, submitted that the court below has rightly dismissed the application as also the revision. It is, thus, submitted that the present application is liable to be dismissed.

6. Considering the arguments advanced by the learned counsel for the applicant, learned A.G.A. and going through the contents of the application, impugned order as well as other relevant documents, it is admitted by the parties that the sale deed was registered before the statutory authority and it is obligatory on the part of the Sub-Registrar to verify from the seller whether he is executing the sale deed or not. Apparently, in the present case, there is no allegation against the Sub-Registrar that he was also in the collusion with the accused persons.

7. In view of above facts and circumstances, the court below has rightly dismissed the application as well as revision.

8. The present application has no merit and, accordingly, stands dismissed.

Order Date :- 10.10.2023

VKS