

Court No. - 12

Case :- APPLICATION U/S 482 No. - 9824 of 2023

Applicant :- Harihar Prasad Tiwari

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

Counsel for Applicant :- Mohammad Imaran, Mohammad Mustafa Khan

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. Present application has been moved by the applicant for quashing the order dated 08.12.2022 passed by the Chief Judicial Magistrate, Pratapgarh in Complaint Case No.14192 of 2021 (Harihar Prasad Tiwari Vs. Atul Kumar Singh), order dated 07.06.2023 passed by Additional Sessions Judge Court No.6, Pratapgarh in Criminal Revision No.11/2023 (Harihar Prasad Tiwari Vs. State of U.P. & Anr.)
3. Learned counsel for the applicant submitted that the private respondent is the District Commandant in Home Guard Department at District- Pratapgarh and the applicant is working as Home Guard, as the private respondent was asking money for deployment of the applicant, thereafter, application under Section 156(3) was filed and the same was treated as complaint case, thereafter, statement under Section 202 Cr.P.C. was recorded, later on, complaint of applicant was rejected under Section 203 Cr.P.C., after which, a revision was filed by the applicant which was also rejected in the most mechanical manner, therefore, kind indulgence of this Court is necessary.
4. Learned A.G.A. opposed the prayer of applicant and submitted that all applicant may apprise all these facts before the Court below at this appropriate stage, therefore, application is liable to be dismissed.
5. Considering the submissions of learned counsel for the parties, going through the contents of application, as well as other relevant documents, as the private respondent is a Class-II Government Officer and it is well settled that without proper sanction, cognizance cannot be taken against the Government Officials, therefore, trial court has rightly rejected the complaint of the applicant and there is no illegality in the order of trial

court.

6. Accordingly, the present application is hereby dismissed.

7. However, it is open to the applicant to move an application before the Director Vigilance Establishment. U.P., Lucknow within a period of four weeks. In case, any application is moved, the same shall be inquired by appointing some Competent Officer for inquiry and he shall file a affidavit of compliance before this Court by third week of December, 2023.

Order Date :- 10.10.2023

V. Sinha