

Court No. - 12

Case :- APPLICATION U/S 482 No. - 10396 of 2023

Applicant :- Rita Nishad

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

Counsel for Applicant :- Saurabh Upadhyay, Vivek Bhushan
Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the applicant, Shri Nikhil Singh, learned A.G.A. for the State and perused the record.
2. Present application has been moved by the applicant for quashing the summoning order dated 28.04.2023 passed by Additional Civil Judge, Junior Division/ Judicial Magistrate, Ambedkar Nagar in Case No.4226 of 2023 and charge sheet dated 23.02.2023 in Case Crime No.224 of 2022 U/S 379, 352, 504 and 506 I.P.C., P.S. Rajesultanpur, District- Ambedkar Nagar.
3. Learned counsel for the applicant submitted that the applicant had applied for dealership of fair price shop of village in question and only with the intention to deprive him, F.I.R. of case in question was lodged by the complainant of the present case on the basis of incorrect facts as no such incident was taken place. He further submitted that all these facts were not considered by the Investigating Officer and merely on the basis of pendency of trial of case in question, the character certificate will not be issued to the applicant and his candidature would be rejected for the dealership, therefore, kind indulgence of this Court is necessary.
4. Learned A.G.A. opposed the prayer of applicant and submitted that prima facie offence is made out against the applicant and after detailed investigation, charge sheet was filed and defence of the applicant can be considered at the 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 after detailed investigation, charge sheet has been filed, as the evidence collected by the Investigating Officer as well as defence version of the applicant

cannot be considered at this stage, therefore, I am of the view that the present application is liable to be dismissed.

6. Accordingly, the application is hereby **dismissed**.

Order Date :- 27.10.2023

V. Sinha