

Court No. - 23

Case :- APPLICATION U/S 482 No. - 11921 of 2023

Applicant :- Mohd. Amil Alias Ranu Khan

Opposite Party :- State Of U.P. Thru. Secy. Home Affairs
Lko And 3 Others

Counsel for Applicant :- Saurabh Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Ajai Kumar Srivastava-I,J.

Heard Sri Pawan Kumar, Advocate holding brief of Sri Saurabh Kumar, learned counsel for the applicant, learned A.G.A for the State and perused the entire record.

In view of the order which is proposed to be passed today, notice to opposite party No.2 is dispensed with.

This application under Section 482 Cr.P.C. has been filed by the applicant for quashing the charge sheet no.1 dated 10.02.2023, arising out of case crime no.024/2023, under Sections 323, 504, 506, 354 I.P.C. & Section 7/8 POCSO Act, Police Station Kotwali Nagar, District Sultanpur.

Learned counsel for the applicant has submitted that accused/ applicant is innocent, who has been falsely implicated in this case due to some ulterior reason.

His further submission is that the content of the first information report does not disclose any ingredients, which are essential to constitute offence under Sections 323, 504, 506, 354 I.P.C. & Section 7/8 POCSO Act. He has also submitted that even during investigation, no credible evidence could be collected against the present accused/ applicant. Despite, this fact, a charge sheet came to be laid mechanically against the applicant.

Learned counsel for the applicant, on the basis of aforesaid submissions, has submitted that the present proceeding is nothing but an abuse of process of this Court and a malicious prosecution too, which deserves to be quashed.

Per contra, learned A.G.A. for the State has vehemently submitted that the law of quashing has been fairly settled in the celebrated judgment rendered by the Hon'ble Supreme Court in **State of Haryana vs. Bhajan Lal** reported in **1992 Supp (1) SCC 335** and **R.P. Kapur Vs. State of Punjab AIR 1960 SC 866**.

His further submission is that in view of law laid down by the Hon'ble Supreme Court in **Ramveer Upadhyay vs. State of U.P.** reported in **AIR 2022 SC 2044** and **Rathish Babu Unnikrishnan vs. State (NCT of Delhi)** reported in **2022 SCC OnLine SC 513**, truthfulness or otherwise of the prosecution version or defence version cannot be looked into at this stage. At such an early stage to rush of this Court for quashing itself is an abuse of process of this Court as the trial has not progressed substantially.

Thus, in view of aforesaid, learned A.G.A. has submitted that the present application under Section 482 Cr.P.C. devoid of merit and deserves to be dismissed.

Having heard the learned counsel for the applicant, learned A.G.A. for the State and upon perusal of record including the first information report and the charge sheet laid against the present applicant, this Court is of considered view that in view of law laid down by the Hon'ble Supreme Court in **Bhajan Lal's case (supra)**, **R.P. Kapur's case (supra)**, **Ramveer Upadhyay's case**

(supra) and **Rathish Babu Unnikrishnan's case (supra)**, no ground for quashing the instant proceeding exists.

Accordingly, the prayer for quashing the proceedings under challenge is refused as this Court does not find any illegality, impropriety and incorrectness in the same. There is no abuse of court's process either.

However, it is needless to mention that if the applicant applies for grant of bail, the court below shall consider and decide the same expeditiously, in accordance with law laid down by the Hon'ble Supreme Court in **Satender Kumar Antill vs. Central Bureau of Investigation and others** : MANU/SC/1024/2021.

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

Order Date :- 8.12.2023

A.Dewal