

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11340 of 2023

Applicant :- Neeraj Kumar @ Neeraj Kumar Vajpayee

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

Counsel for Applicant :- Prem Prakash Singh

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the applicant as well as learned A.G.A. for the State and perused the record.

2. The present application has been filed for quashing the proceeding of Crl. Case No.31 of 2023 arising out of Case Crime No.406 of 2022 U/s 452, 323, 504, 392, 427, 120-B I.P.C., Police Station- Mailani, District- Lakhimpur Kheri as well as charge-sheet dated 09.12.2022 and summoning order dated 02.01.2023.

3. Learned counsel for the applicant submits that applicant has been falsely implicated in the present case. He further submits that there is a cross case also and charge-sheet was submitted by Investigating Officer in the most mechanical manner. It is, thus, submitted that indulgence of this Court is required.

4. Learned A.G.A. opposes the prayer of applicant and submits that after detail investigation, charge-sheet has already been submitted by Investigating Officer and victim has categorically supported the prosecution version. He further submits that all the defense cannot be considered at this stage, therefore, the present application is liable to be dismissed.

5. Considering the submissions of learned counsel for the applicant, learned A.G.A. and going through the contents of application as well as other relevant documents; it is evident that defense of applicant cannot be evaluated at this stage.

6. With the above observations, this Court is of the view that the present application is misconceived and, accordingly, stands **dismissed**.

7. However, it is open to applicant that he can move discharge application at the appropriate stage and in case, any such application is moved before trial court then the same shall be heard and decided in accordance with law.

Order Date :- 18.11.2023

Arpan