

Court No. - 28

Case :- APPLICATION U/S 482 No. - 11539 of 2023

Applicant :- Anjali Sharma And Another

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

Counsel for Applicant :- Pradeep Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Jyotsna Sharma,J.

01. Heard Sri Pradeep Tiwari, learned counsel for the applicants and learned A.G.A. for the State and perused the record.

02. This application under Section 482 Cr.P.C. has been filed by the applicants with a prayer to quash chargesheet, summoning order dated 16.11.2022 passed by Special Magistrate, C.B.I. (AP), Lucknow as well as entire proceedings of Case Crime No.09 of 2022, under Section 420 I.P.C., (State vs. Ramji Sharan Sharma and others), P.S. Mahanagar, District Lucknow.

03. Main contentions of the applicants are that they are only guarantors when Santosh Kumar Sharma was taking loan. The applicants are wife and father of aforesaid Santosh Kumar Sharma. From the material on record no case is made out against the applicants, hence the prayer may be granted.

04. Perusal of the papers reveal that Assistant General Manager, Bank of India, Lucknow moved an application under Section 156(3) Cr.P.C. alleging that Santosh Kumar Sharma took a loan under Cash Credit Limit of Rs.40,00,000/- and further took another loan of Rs.12,00,000/- as vehicle loan on the basis of forged papers. The applicants stood as guarantor. In the enquiry conducted by the Bank the papers viz the title deed of property mortgaged in favour of bank and the vehicle "Chevrolet Cruise" were found fake and forged. Accused Santosh Kumar Sharma defaulted and did not pay the instalments.

05. On the basis of the application moved under Section 156(3) Cr.P.C. Case Crime No.09 of 2022, under Sections 420, 406, 467, 468 and 471 I.P.C. was registered and investigated upon. The I.O. collected the evidence and admittedly charge-sheet has been submitted. The person who took loan on the basis of forged papers has been chargesheeted for the offence under Sections 406, 420, 467, 468 and 471 I.P.C. and present applicants have been chargesheeted under Section 420 I.P.C. The I.O. collected the evidence to prima facie show that applicants who are wife and father of co-accused Santosh Kumar were involved in cheating the Bank. The applicants could not point out how and why no offence is made out against them and have not been able to show any good and convincing reason for quashing the chargesheet, summoning order as well as entire proceedings of the aforesaid case.

05. The application moved Section 482 Cr.P.C. is therefore dismissed.

Order Date :- 28.11.2023/Asha