

Court No. - 23

Case :- APPLICATION U/S 482 No. - 11929 of 2023

Applicant :- Shravan Kumar Prajapati And Another

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

Counsel for Applicant :- Ashwini Kumar Ojha

Counsel for Opposite Party :- G.A.

Hon'ble Ajai Kumar Srivastava-I,J.

1. Heard Sri Ashwini Kumar Ojha, learned counsel for the applicants and Sri Nikhil Singh learned A.G.A.-I for the State.

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

3. The instant application has been filed by the present applicants for quashing the entire proceeding of Criminal Case No.nil/2023, arising out of Case Crime No.0295/2023, State of U.P. vs. Teerath Raj Prajapati @ Sawan, under Sections 376, 313, 504, 506 I.P.C. and 3(1)(D), 3(1)(Dh), 3(2)V SC/ST Act, Police Station Raniganj, District Pratapgarh wherein charge sheet bearing no.41/2023 dated 23.09.2023, under Section 506 I.P.C. has been filed against the applicants.

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

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

6. Learned counsel for the applicants, 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.

7. 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**.

8. 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.

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

10. Having heard the learned counsel for the applicants, 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 applicants, 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.

11. 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.

12. However, the applicants will have an opportunity at the appropriate stage to move an application for discharge taking therein all the pleas factual and legal which may be available to them, in accordance with law. In case, such an application is moved before the learned trial Court, the learned trial Court shall dispose of the same by a speaking and reasoned order strictly, in accordance with law.

13. It is needless to mention that if the applicants apply for grant of bail, the learned trial Court shall consider and decide the same expeditiously, having regard to the fact that the applicant no.1, Shravan Kumar is government servant and applicant no.2, Smt. Sangeeta Devi is a lady and against whom charge sheet has been filed under Section 506 I.P.C. only, 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.

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

Order Date :- 8.12.2023
A.Dewal