

Court No. - 11

Case :- APPLICATION U/S 482 No. - 12642 of 2023

Applicant :- Rahul Sharma

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

Counsel for Applicant :- Rajesh Kumar Pal, Rajesh Kumar Kashyap

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania, J.

Heard learned counsel for the petitioner/ applicant and learned AGA for the State as well as perused the record.

The present petition has been filed for the following main relief:-

"For the facts, reasons and circumstances narrated in the accompanying writ petition duly supported by an affidavit, it is humbly and respectfully prayed that this Hon'ble Court may kindly be pleased to quash the proceeding/summoning of 82 Cr.PC. dated 07.06.2023 filed in Case Crime No. 0630/2021, under Sections 409, 420, 467, 468, 471, 120-B I.P.C. which is registered in the Police Station-Gomti Nagar, District-Lucknow contained as Annexure No. 1 and in the interest of justice."

Taking note of the contents of FIR and other documents on record from which prima-facie case is made out against the applicant, this Court is of the view that the present Application U/s 482 Cr.P.C. is not liable to be entertained in view of various pronouncement of Hon'ble Apex Court including in the case(s) of ***State of Haryana Versus Bhajan Lal*** reported in ***1992 Supp (1) SCC 335*** and ***R.P.Kapoor Versus State of Punjab 1960*** reported in ***SCC OnLine SC 21***.

Accordingly, it is ***disposed of*** with liberty to the applicant to avail the remedy as available under law in the light of statutory provisions as also the pronouncement of judgments by the Hon'ble Apex Court on this subject.

Order Date :- 22.12.2023

Jyoti/-